

1 AN ACT concerning domestic violence.

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

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Sections 112A-3, 112A-5.5, 112A-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
17 protection, a civil no contact order, or a stalking no contact
18 order.

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

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

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

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

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

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

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

3 (ii) repeatedly telephoning or electronically
4 contacting the petitioner's place of employment, home,
5 mobile phone, or residence or otherwise repeatedly
6 contacting the petitioner, including through a third
7 party, by any means ~~repeatedly telephoning~~
8 ~~petitioner's place of employment, home or residence;~~

9 (iii) repeatedly following the petitioner about in
10 a public place ~~or places;~~

11 (iv) repeatedly keeping the petitioner under
12 surveillance by remaining present outside his or her
13 home, school, place of employment, vehicle, or other
14 place occupied by the petitioner or by peering in the
15 petitioner's windows;

16 (iv-5) using electronic means to repeatedly track,
17 monitor, surveil, record, or otherwise acquire
18 information about the petitioner's location, movement,
19 or travel patterns, including through third parties;

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

1 removal or concealment, unless the respondent was
2 fleeing from an incident or pattern of domestic
3 violence; ~~or~~

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

6 (vii) non-consensual dissemination or threatening
7 the non-consensual dissemination of electronically
8 generated or altered content using the image, voice,
9 or other characteristic of the petitioner to falsely
10 and deceptively impersonate the petitioner or the
11 petitioner's representative;

12 (viii) non-consensual dissemination or threatening
13 the non-consensual dissemination of private sexual
14 images or electronically altered sexual images of the
15 petitioner; or

16 (ix) publishing the personally identifiable
17 information of the petitioner.

18 (5) "Interference with personal liberty" means
19 committing or threatening physical abuse, harassment,
20 intimidation or willful deprivation so as to compel
21 another to engage in conduct from which she or he has a
22 right to abstain or to refrain from conduct in which she or
23 he has a right to engage.

24 (6) "Intimidation of a dependent" means subjecting a
25 person who is dependent because of age, health, or
26 disability to participation in or the witnessing of:

1 physical force against another or physical confinement or
2 restraint of another which constitutes physical abuse as
3 defined in this Article, regardless of whether the abused
4 person is a family or household member.

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

9 (8) "Petitioner" may mean not only any named
10 petitioner for the domestic violence order of protection
11 and any named victim of abuse on whose behalf the petition
12 is brought, but also any other person protected by this
13 Article.

14 (9) "Physical abuse" includes sexual abuse and means
15 any of the following:

16 (i) knowing or reckless use of physical force,
17 confinement or restraint;

18 (ii) knowing, repeated and unnecessary sleep
19 deprivation; or

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

22 (9.3) "Respondent" in a petition for a domestic
23 violence order of protection means the defendant.

24 (9.5) "Stay away" means for the respondent to refrain
25 from both physical presence and nonphysical contact with
26 the petitioner whether direct, indirect (including, but

1 not limited to, telephone calls, mail, email, faxes, and
2 written notes), or through third parties who may or may
3 not know about the domestic violence order of protection.

4 (10) "Willful deprivation" means wilfully denying a
5 person who because of age, health or disability requires
6 medication, medical care, shelter, accessible shelter or
7 services, food, therapeutic device, or other physical
8 assistance, and thereby exposing that person to the risk
9 of physical, mental or emotional harm, except with regard
10 to medical care and treatment when such dependent person
11 has expressed the intent to forgo such medical care or
12 treatment. This paragraph (10) does not create any new
13 affirmative duty to provide support to dependent persons.

14 (c) For the purposes of cases involving sexual offenses,
15 the following terms shall have the following meanings in this
16 Article:

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

20 (1.5) "Electronic" means relating to technology having
21 electrical, digital, magnetic, wireless, networked,
22 optical, electromagnetic, global positioning system, or
23 similar capabilities.

24 (2) "Family or household members" include spouses,
25 parents, children, stepchildren, and persons who share a
26 common dwelling.

1 (3) "Non-consensual" means a lack of freely given
2 agreement.

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

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

11 (6) "Sexual conduct" means any intentional or knowing
12 touching or fondling by the petitioner or the respondent,
13 either directly or through clothing, of the sex organs,
14 anus, or breast of the petitioner or the respondent, or
15 any part of the body of a child under 13 years of age, or
16 any transfer or transmission of semen by the respondent
17 upon any part of the clothed or unclothed body of the
18 petitioner, for the purpose of sexual gratification or
19 arousal of the petitioner or the respondent.

20 (7) "Sexual penetration" means any contact, however
21 slight, between the sex organ or anus of one person by an
22 object, the sex organ, mouth or anus of another person, or
23 any intrusion, however slight, of any part of the body of
24 one person or of any animal or object into the sex organ or
25 anus of another person, including, but not limited to,
26 cunnilingus, fellatio, or anal penetration. Evidence of

1 emission of semen is not required to prove sexual
2 penetration.

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

9 (d) For the purposes of cases involving stalking offenses,
10 the following terms shall have the following meanings in this
11 Article:

12 (1) "Course of conduct" means 2 or more acts,
13 including, but not limited to, acts in which a respondent
14 directly, indirectly, or through third parties, by any
15 action, method, device, or means follows, monitors,
16 observes, surveils, threatens, or communicates to or
17 about, a person, engages in other contact, or interferes
18 with or damages a person's property or pet. A course of
19 conduct may include contact via electronic communications.
20 The incarceration of a person in a penal institution who
21 commits the course of conduct is not a bar to prosecution.

22 (2) "Emotional distress" means significant mental
23 suffering, anxiety, or alarm.

24 (3) "Contact" includes any contact with the victim,
25 that is initiated or continued without the victim's
26 consent, or that is in disregard of the victim's expressed

1 desire that the contact be avoided or discontinued,
2 including, but not limited to, being in the physical
3 presence of the victim; appearing within the sight of the
4 victim; approaching or confronting the victim in a public
5 place or on private property; appearing at the workplace
6 or residence of the victim; entering onto or remaining on
7 property owned, leased, or occupied by the victim; or
8 placing an object on, or delivering an object to, property
9 owned, leased, or occupied by the victim.

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

13 (5) "Reasonable person" means a person in the
14 petitioner's circumstances with the petitioner's knowledge
15 of the respondent and the respondent's prior acts.

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

18 (7) "Stalking" means engaging in a course of conduct
19 directed at a specific person, and he or she knows or
20 should know that this course of conduct would cause a
21 reasonable person to fear for his or her safety or the
22 safety of a third person or suffer emotional distress.
23 "Stalking" does not include an exercise of the right to
24 free speech or assembly that is otherwise lawful or
25 picketing occurring at the workplace that is otherwise
26 lawful and arises out of a bona fide labor dispute,

1 including any controversy concerning wages, salaries,
2 hours, working conditions or benefits, including health
3 and welfare, sick leave, insurance, and pension or
4 retirement provisions, the making or maintaining of
5 collective bargaining agreements, and the terms to be
6 included in those agreements.

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

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

11 (725 ILCS 5/112A-5.5)

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

14 (a) A petition for a protective order may be filed at any
15 time, in person or online, after a criminal charge or
16 delinquency petition is filed and before the charge or
17 delinquency petition is dismissed, the defendant or juvenile
18 is acquitted, or the defendant or juvenile completes service
19 of his or her sentence.

20 (b) The request for an ex parte protective order may be
21 considered without notice to the respondent under Section
22 112A-17.5 of this Code.

23 (c) A summons shall be issued and served for a protective
24 order. The summons may be served by delivery to the respondent
25 personally in open court in the criminal or juvenile

1 delinquency proceeding, in the form prescribed by subsection
2 (d) of Supreme Court Rule 101, except that it shall require the
3 respondent to answer or appear within 7 days. Attachments to
4 the summons shall include the petition for protective order,
5 supporting affidavits, if any, and any ex parte protective
6 order that has been issued.

7 (d) The summons shall be served by the sheriff or other law
8 enforcement officer at the earliest time available and shall
9 take precedence over any other summons, except those of a
10 similar emergency nature. Attachments to the summons shall
11 include the petition for protective order, supporting
12 affidavits, if any, and any ex parte protective order that has
13 been issued. Special process servers may be appointed at any
14 time and their designation shall not affect the
15 responsibilities and authority of the sheriff or other
16 official process servers. In a county with a population over
17 3,000,000, a special process server may not be appointed if
18 the protective order grants the surrender of a child, the
19 surrender of a firearm or Firearm Owner's Identification Card,
20 or the exclusive possession of a shared residence.

21 (e) If the respondent is not served within 30 days of the
22 filing of the petition, the court shall schedule a court
23 proceeding on the issue of service. Either the petitioner, the
24 petitioner's counsel, or the State's Attorney shall appear and
25 the court shall either order continued attempts at personal
26 service or shall order service by publication, in accordance

1 with Sections 2-203, 2-206, and 2-207 of the Code of Civil
2 Procedure.

3 (f) The request for a final protective order can be
4 considered at any court proceeding in the delinquency or
5 criminal case after service of the petition. If the petitioner
6 has not been provided notice of the court proceeding at least
7 10 days in advance of the proceeding, the court shall schedule
8 a hearing on the petition and provide notice to the
9 petitioner.

10 (f-5) A court ~~in a county with a population above 250,000~~
11 shall offer the option of a remote hearing to a petitioner for
12 a protective order. The court shall grant a request for a
13 remote hearing unless good cause is shown for denial ~~has the~~
14 ~~discretion to grant or deny the request for a remote hearing.~~
15 Each court shall determine the procedure for a remote hearing
16 in accordance with Illinois Supreme Court Rule 45. The
17 petitioner, applicable witness or witnesses and respondent may
18 appear remotely or in person.

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

1 and the process for requesting a remote hearing.

2 (g) Default orders.

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

5 (A) for any of the remedies sought in the
6 petition, if the respondent has been served with
7 documents under subsection (b) or (c) of this Section
8 and if the respondent fails to appear on the specified
9 return date or any subsequent hearing date agreed to
10 by the petitioner and respondent or set by the court;
11 or

12 (B) for any of the remedies provided under
13 paragraph (1), (2), (3), (5), (6), (7), (8), (9),
14 (10), (11), (14), (15), (17), or (18) of subsection
15 (b) of Section 112A-14 of this Code, or if the
16 respondent fails to answer or appear in accordance
17 with the date set in the publication notice or the
18 return date indicated on the service of a household
19 member.

20 (2) A final civil no contact order may be entered by
21 default for any of the remedies provided in Section
22 112A-14.5 of this Code, if the respondent has been served
23 with documents under subsection (b) or (c) of this
24 Section, and if the respondent fails to answer or appear
25 in accordance with the date set in the publication notice
26 or the return date indicated on the service of a household

1 member.

2 (3) A final stalking no contact order may be entered
3 by default for any of the remedies provided by Section
4 112A-14.7 of this Code, if the respondent has been served
5 with documents under subsection (b) or (c) of this Section
6 and if the respondent fails to answer or appear in
7 accordance with the date set in the publication notice or
8 the return date indicated on the service of a household
9 member.

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

11 (725 ILCS 5/112A-11.5)

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

13 (a) Except as provided in subsection (a-5) of this
14 Section, the court shall grant the petition and enter a
15 protective order if the court finds prima facie evidence that
16 a crime involving domestic violence, a sexual offense, or a
17 crime involving stalking has been committed. The following
18 shall be considered prima facie evidence of the crime:

19 (1) an information, complaint, indictment, or
20 delinquency petition, charging a crime of domestic
21 violence, a sexual offense, or stalking or charging an
22 attempt to commit a crime of domestic violence, a sexual
23 offense, or stalking;

24 (2) an adjudication of delinquency, a finding of guilt
25 based upon a plea, or a finding of guilt after a trial for

1 a crime of domestic battery, a sexual crime, or stalking
2 or an attempt to commit a crime of domestic violence, a
3 sexual offense, or stalking;

4 (3) any dispositional order issued under Section 5-710
5 of the Juvenile Court Act of 1987, the imposition of
6 supervision, conditional discharge, probation, periodic
7 imprisonment, parole, aftercare release, or mandatory
8 supervised release for a crime of domestic violence, a
9 sexual offense, or stalking or an attempt to commit a
10 crime of domestic violence, a sexual offense, or stalking,
11 or imprisonment in conjunction with a bond forfeiture
12 warrant; or

13 (4) the entry of a protective order in a separate
14 civil case brought by the petitioner against the
15 respondent.

16 (a-5) The respondent may rebut prima facie evidence of the
17 crime under paragraph (1) of subsection (a) of this Section by
18 presenting evidence of a meritorious defense. The respondent
19 shall file a written notice alleging a meritorious defense
20 which shall be verified and supported by affidavit. The
21 verified notice and affidavit shall set forth the evidence
22 that will be presented at a hearing. If the court finds that
23 the evidence presented at the hearing establishes a
24 meritorious defense by a preponderance of the evidence, the
25 court may decide not to issue a protective order.

26 (b) The petitioner shall not be denied a protective order

1 because the petitioner or the respondent is a minor or solely
2 upon the basis that the respondent or petitioner is
3 incarcerated in a penal institution at the time of the
4 issuance of the order.

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

8 (d) If the court issues a final protective order under
9 this Section, the court shall afford the petitioner and
10 respondent an opportunity to be heard on the remedies
11 requested in the petition.

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

13 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

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

16 (a) (Blank).

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

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

1 prohibited.

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

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

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

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

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

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

1 employment, or other specified places at times when
2 petitioner is present, or both, if reasonable, given the
3 balance of hardships. Hardships need not be balanced for
4 the court to enter a stay away order or prohibit entry if
5 respondent has no right to enter the premises.

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

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

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

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

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

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

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

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

1 interest.

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

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

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

21 (i) abuse or endanger the minor child during
22 parenting time;

23 (ii) use the parenting time as an opportunity to
24 abuse or harass petitioner or petitioner's family or
25 household members;

26 (iii) improperly conceal or detain the minor

1 child; or

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

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

26 (8) Removal or concealment of minor child. Prohibit

1 respondent from removing a minor child from the State or
2 concealing the child within the State.

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

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

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

15 (ii) the petitioner and respondent own the
16 property jointly; sharing it would risk abuse of
17 petitioner by respondent or is impracticable; and the
18 balance of hardships favors temporary possession by
19 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 petitioner and respondent own the
11 property jointly, and the balance of hardships favors
12 granting this remedy.

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

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

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

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

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

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

1 repair or replacement of property damaged or taken,
2 reasonable attorney's fees, court costs, and moving or
3 other travel expenses, including additional reasonable
4 expenses for temporary shelter and 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 firearm
2 parts.

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

11 (B) Any firearms in the possession of the
12 respondent, except as provided in subparagraph (C) of
13 this paragraph (14.5) and subject to the provisions of
14 subparagraph (B-2), if applicable, shall be ordered by
15 the court to be surrendered to law enforcement for
16 safekeeping. Any firearms or firearm parts on the
17 respondent's person or at the place of service shall
18 be immediately surrendered to the serving officers at
19 the time of service of the order of protection, and any
20 other firearms or firearm parts shall be surrendered
21 to local law enforcement within 24 hours of service of
22 the order of protection. Any Firearm Owner's
23 Identification Card or Concealed Carry License in the
24 possession of the respondent, except as provided in
25 subparagraph (C), shall also be ordered by the court
26 to be turned over to serving officers at the time of

1 service of the order of protection or, if not on the
2 respondent's person or at the location where the
3 respondent is served at the time of service, to local
4 law enforcement within 24 hours of service of the
5 order. The law enforcement agency shall immediately
6 mail the card, as well as any license, to the Illinois
7 State Police Firearm Owner's Identification Card
8 Office for safekeeping.

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

14 (i) If requested by law enforcement, the court
15 shall issue a search warrant for the seizure of
16 any firearms or firearm parts that could be
17 assembled to make an operable firearm belonging to
18 the respondent at or after entry of an order of
19 protection if the court, based upon sworn
20 testimony and governed by Sections 108-3 and
21 108-4, finds probable cause exists that:

22 (aa) the respondent poses an immediate and
23 present credible threat to the physical safety
24 of the petitioner protected by the order of
25 protection;

26 (bb) the respondent possesses firearms or

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

3 (cc) the firearms or firearm parts that
4 could be assembled to make an operable firearm
5 are located at the residence, vehicle, or
6 other property of the respondent to be
7 searched.

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

18 (iii) The law enforcement agency to which the
19 court has directed the warrant shall execute the
20 warrant no later than 96 hours after issuance. The
21 law enforcement agency to which the court has
22 directed the warrant may coordinate with other law
23 enforcement agencies to execute the warrant. A
24 return of the warrant shall be filed by the law
25 enforcement agency within 24 hours of execution,
26 setting forth the time, date, and location where

1 the warrant was executed and what items, if any,
2 were seized. If the court is not in session, the
3 return information shall be returned on the next
4 date the court is in session. Subject to the
5 provisions of this Section, peace officers shall
6 have the same authority to execute a warrant
7 issued under this subsection as a warrant issued
8 under Article 108.

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

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

24 (B-2) Ex parte relief may be granted under this
25 paragraph (14.5) only if the court finds that personal
26 injury to the petitioner is likely to occur if the

1 respondent received prior notice and if the petitioner
2 has otherwise satisfied the requirements of Section
3 112A-17.5 of this Article.

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

13 (D) (i) Any firearms or firearm parts that could be
14 assembled to make an operable firearm that have been
15 seized or surrendered shall be kept by the law
16 enforcement agency that took possession of the items
17 for safekeeping, except as provided in subparagraph
18 (C), (E), or (F). The period of safekeeping shall be
19 for the duration of the order of protection. Except as
20 provided in subparagraph (F), 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 to notify the Illinois State Police Firearm
12 Owner's Identification Card Office at the end of the
13 Order of 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. Seized or
18 surrendered firearms or firearm parts shall be
19 returned within 14 days of the request to the
20 respondent, if the respondent is lawfully eligible to
21 possess firearms, or to a designated third party who
22 is lawfully eligible to possess firearms. If the
23 firearms or firearm parts cannot be returned to
24 respondent because (1) the respondent has not
25 requested the return or transfer of the firearms or
26 firearm parts as set forth in this subparagraph and

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

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

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

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

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

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

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

24 (cc) will store the firearm and firearm parts
25 that could be assembled to make an operable
26 firearm in a manner that the respondent does not

1 have access to or control of the firearm and
2 firearm parts that could be assembled to make an
3 operable firearm.

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

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

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

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

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

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

24 (IV) the third party transferee will
25 maintain control and possession of the firearm
26 or firearm parts until otherwise ordered by

1 the court; and

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

6 (bb) the court finds that:

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

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

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

24 (16) Order for payment of shelter services. Order
25 respondent to reimburse a shelter providing temporary
26 housing and counseling services to the petitioner for the

1 cost of the services, as certified by the shelter and
2 deemed reasonable by the court.

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

12 (18) Telephone services.

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

1 the order on the wireless telephone service provider's
2 agent for service of process provided to the Illinois
3 Commerce Commission. The order shall contain all of
4 the following:

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

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

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

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

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

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

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

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

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

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

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

23 (F) All wireless service providers that provide
24 services to residential customers shall provide to the
25 Illinois Commerce Commission the name and address of
26 an agent for service of orders entered under this

1 paragraph (18). Any change in status of the registered
2 agent must be reported to the Illinois Commerce
3 Commission within 30 days of such change.

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

11 (19) Removal of harassing materials, tracking or
12 monitoring. Order the respondent to remove or delete and
13 take reasonable steps to remove or delete the harassing
14 statements or materials or delete the tracking and
15 monitoring information collected by the respondent and
16 produce sufficient evidence that such compliance has
17 occurred.

18 (c) Relevant factors; findings.

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

23 (i) the nature, frequency, severity, pattern, and
24 consequences of the respondent's past abuse of the
25 petitioner or any family or household member,
26 including the concealment of his or her location in

1 order to evade service of process or notice, and the
2 likelihood of danger of future abuse to petitioner or
3 any member of petitioner's or respondent's family or
4 household; and

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

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

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

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

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

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

26 (i) That the court has considered the applicable

1 relevant factors described in paragraphs (1) and (2)
2 of this subsection (c).

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

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

9 (4) (Blank).

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

1 affirmation the existence of a father and child
2 relationship. Absent such an adjudication, no putative
3 father shall be granted temporary allocation of parental
4 responsibilities, including parenting time with the minor
5 child, or physical care and possession of the minor child,
6 nor shall an order of payment for support of the minor
7 child be entered.

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

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

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

22 (2) respondent was voluntarily intoxicated;

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

1 (4) petitioner did not act in self-defense or defense
2 of another;

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

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

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

11 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
12 102-813, eff. 5-13-22; 103-1065, eff. 5-11-25.)

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

16 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

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

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

23 (2) "Adult with disabilities" means an elder adult with
24 disabilities or a high-risk adult with disabilities. A person

1 may be an adult with disabilities for purposes of this Act even
2 though he or she has never been adjudicated an incompetent
3 adult. However, no court proceeding may be initiated or
4 continued on behalf of an adult with disabilities over that
5 adult's objection, unless such proceeding is approved by his
6 or her legal guardian, if any.

7 (3) "Domestic violence" means abuse as defined in
8 paragraph (1).

9 (4) "Elder adult with disabilities" means an adult
10 prevented by advanced age from taking appropriate action to
11 protect himself or herself from abuse by a family or household
12 member.

13 (4.5) "Electronic" means relating to technology having
14 electrical, digital, magnetic, wireless, networked, optical,
15 electromagnetic, global positioning system, or similar
16 capabilities.

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

25 (6) "Family or household members" include spouses, former
26 spouses, parents, children, stepchildren and other persons

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

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

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

1 (ii) repeatedly telephoning or electronically
2 contacting the petitioner's place of employment, home,
3 mobile phone, or residence or otherwise repeatedly
4 contacting the petitioner, including through a third
5 party, by any means ~~repeatedly telephoning petitioner's~~
6 ~~place of employment, home or residence;~~

7 (iii) repeatedly following the petitioner about in a
8 public place ~~or places;~~

9 (iv) repeatedly keeping the petitioner under
10 surveillance by remaining present outside his or her home,
11 school, place of employment, vehicle, or other place
12 occupied by the petitioner or by peering in the
13 petitioner's windows;

14 (iv-5) using electronic means to repeatedly track,
15 monitor, surveil, record, or otherwise acquire information
16 about the petitioner's location, movement, or travel
17 patterns, including through third parties;

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

1 (vi) threatening physical force, confinement or
2 restraint on one or more occasions;~~:-~~

3 (vii) non-consensual dissemination or threatening the
4 non-consensual dissemination of electronically generated
5 or altered content using the image, voice, or other
6 characteristic of the petitioner to falsely and
7 deceptively impersonate the petitioner or the petitioner's
8 representative;

9 (viii) non-consensual dissemination or threatening the
10 non-consensual dissemination of private sexual images or
11 electronically altered sexual images of the petitioner; or

12 (ix) publishing the personally identifiable
13 information of the petitioner.

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

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

23 (10) "Intimidation of a dependent" means subjecting a
24 person who is dependent because of age, health or disability
25 to participation in or the witnessing of: physical force
26 against another or physical confinement or restraint of

1 another which constitutes physical abuse as defined in this
2 Act, regardless of whether the abused person is a family or
3 household member.

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

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

10 (ii) the repeated, careless imposition of unreasonable
11 confinement;

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

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

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

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

26 (12) "Order of protection" means an emergency order,

1 interim order or plenary order, granted pursuant to this Act,
2 which includes any or all of the remedies authorized by
3 Section 214 of this Act.

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

8 (14) "Physical abuse" includes sexual abuse and means any
9 of the following:

10 (i) knowing or reckless use of physical force,
11 confinement or restraint;

12 (ii) knowing, repeated and unnecessary sleep
13 deprivation; or

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

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

22 (15) "Willful deprivation" means wilfully denying a person
23 who because of age, health or disability requires medication,
24 medical care, shelter, accessible shelter or services, food,
25 therapeutic device, or other physical assistance, and thereby
26 exposing that person to the risk of physical, mental or

1 emotional harm, except with regard to medical care or
2 treatment when the dependent person has expressed an intent to
3 forgo such medical care or treatment. This paragraph does not
4 create any new affirmative duty to provide support to
5 dependent persons.

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

7 (750 ILCS 60/201) (from Ch. 40, par. 2312-1)

8 Sec. 201. Persons protected by this Act.

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

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

11 (ii) any high-risk adult with disabilities who is
12 abused, neglected, or exploited by a family or household
13 member;

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

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

19 (v) 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

1 appointed custodian of that child;

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

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

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

13 (b) A petition for an order of protection may be filed
14 only:

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

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

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

25 (A) a foster parent of that child if the child has
26 been placed in the foster parent's home by the

1 Department of Children and Family Services or by
2 another state's public child welfare agency;

3 (B) a legally appointed guardian or legally
4 appointed custodian of that child;

5 (C) an adoptive parent of that child;

6 (D) a prospective adoptive parent of that child if
7 the child has been placed in the prospective adoptive
8 parent's home pursuant to the Adoption Act or pursuant
9 to another state's law.

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

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

21 (v) by any person who has previously suffered abuse by
22 a family or household member ~~person~~ convicted of (1)
23 domestic battery, aggravated domestic battery, aggravated
24 battery, or any other offense that would constitute
25 domestic violence or (2) a violent crime, as defined in
26 Section 3 of the Rights of Crime Victims and Witnesses

1 Act, committed against another person.

2 A petition for an order of protection may not be denied
3 solely upon the basis that the respondent or petitioner is
4 incarcerated in a penal institution at the time of the filing
5 of the petition.

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

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

9 (750 ILCS 60/212) (from Ch. 40, par. 2312-12)

10 Sec. 212. Hearings.

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

17 (b) Any court or a division thereof which ordinarily does
18 not decide matters of child custody and family support may
19 decline to decide contested issues of physical care, custody,
20 visitation, or family support unless a decision on one or more
21 of those contested issues is necessary to avoid the risk of
22 abuse, neglect, removal from the State or concealment within
23 the State of the child or of separation of the child from the
24 primary caretaker. If the court or division thereof has
25 declined to decide any or all of these issues, then it shall

1 transfer all undecided issues to the appropriate court or
2 division. In the event of such a transfer, a government
3 attorney involved in the criminal prosecution may, but need
4 not, continue to offer counsel to the petitioner on
5 transferred matters.

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

9 (d) A court ~~in a county with a population above 250,000~~
10 shall offer the option of a remote hearing to a petitioner for
11 an order of protection. The court shall grant a request for a
12 remote hearing unless good cause is shown for denial ~~has the~~
13 ~~discretion to grant or deny the request for a remote hearing.~~
14 Each court shall determine the procedure for a remote hearing
15 in accordance with Illinois Supreme Court Rule 45. The
16 petitioner, applicable witness or witnesses and respondent may
17 appear remotely or in person.

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

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

2 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

3 Sec. 214. Order of protection; remedies.

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

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

1 (1) Prohibition of abuse, neglect, or exploitation.
2 Prohibit respondent's harassment, interference with
3 personal liberty, intimidation of a dependent, physical
4 abuse, or willful deprivation, neglect or exploitation, as
5 defined in this Act, or stalking of the petitioner, as
6 defined in Section 12-7.3 of the Criminal Code of 2012, if
7 such abuse, neglect, exploitation, or stalking has
8 occurred or otherwise appears likely to occur if not
9 prohibited.

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

20 (A) Right to occupancy. A party has a right to
21 occupancy of a residence or household if it is solely
22 or jointly owned or leased by that party, that party's
23 spouse, a person with a legal duty to support that
24 party or a minor child in that party's care, or by any
25 person or entity other than the opposing party that
26 authorizes that party's occupancy (e.g., a domestic

1 violence shelter). Standards set forth in subparagraph
2 (B) shall not preclude equitable relief.

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

19 The balance of hardships is presumed to favor
20 possession by petitioner unless the presumption is
21 rebutted by a preponderance of the evidence, showing
22 that the hardships to respondent substantially
23 outweigh the hardships to petitioner and any minor
24 child or dependent adult in petitioner's care. The
25 court, on the request of petitioner or on its own
26 motion, may order respondent to provide suitable,

1 accessible, alternate housing for petitioner instead
2 of excluding respondent from a mutual residence or
3 household.

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

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

26 (B) When the petitioner and the respondent attend

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

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

26 (C) The court may order the parents, guardian, or

1 legal custodian of a minor respondent to take certain
2 actions or to refrain from taking certain actions to
3 ensure that the respondent complies with the order. In
4 the event the court orders a transfer of the
5 respondent to another school, the parents, guardian,
6 or legal custodian of the respondent is responsible
7 for transportation and other costs associated with the
8 change of school by the respondent.

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

21 (5) Physical care and possession of the minor child.
22 In order to protect the minor child from abuse, neglect,
23 or unwarranted separation from the person who has been the
24 minor child's primary caretaker, or to otherwise protect
25 the well-being of the minor child, the court may do either
26 or both of the following: (i) grant petitioner physical

1 care or possession of the minor child, or both, or (ii)
2 order respondent to return a minor child to, or not remove
3 a minor child from, the physical care of a parent or person
4 in loco parentis.

5 If a court finds, after a hearing, that respondent has
6 committed abuse (as defined in Section 103) of a minor
7 child, there shall be a rebuttable presumption that
8 awarding physical care to respondent would not be in the
9 minor child's best interest.

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

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

23 (7) Parenting time. Determine the parenting time, if
24 any, of respondent in any case in which the court awards
25 physical care or allocates temporary significant
26 decision-making responsibility of a minor child to

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

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

23 If necessary to protect any member of petitioner's
24 family or household from future abuse, respondent shall be
25 prohibited from coming to petitioner's residence to meet
26 the minor child for parenting time, and the parties shall

1 submit to the court their recommendations for reasonable
2 alternative arrangements for parenting time. A person may
3 be approved to supervise parenting time only after filing
4 an affidavit accepting that responsibility and
5 acknowledging accountability to the court.

6 (8) Removal or concealment of minor child. Prohibit
7 respondent from removing a minor child from the State or
8 concealing the child within the State.

9 (9) Order to appear. Order the respondent to appear in
10 court, alone or with a minor child, to prevent abuse,
11 neglect, removal or concealment of the child, to return
12 the child to the custody or care of the petitioner or to
13 permit any court-ordered interview or examination of the
14 child or the respondent.

15 (10) Possession of personal property. Grant petitioner
16 exclusive possession of personal property and, if
17 respondent has possession or control, direct respondent to
18 promptly make it available to petitioner, if:

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

21 (ii) the parties own the property jointly; sharing
22 it would risk abuse of petitioner by respondent or is
23 impracticable; and the balance of hardships favors
24 temporary possession by petitioner.

25 If petitioner's sole claim to ownership of the
26 property is that it is marital property, the court may

1 award petitioner temporary possession thereof under the
2 standards of subparagraph (ii) of this paragraph only if a
3 proper proceeding has been filed under the Illinois
4 Marriage and Dissolution of Marriage Act, as now or
5 hereafter amended.

6 No order under this provision shall affect title to
7 property.

8 (11) Protection of property. Forbid the respondent
9 from taking, transferring, encumbering, concealing,
10 damaging or otherwise disposing of any real or personal
11 property, except as explicitly authorized by the court,
12 if:

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

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

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

23 The court may further prohibit respondent from
24 improperly using the financial or other resources of an
25 aged member of the family or household for the profit or
26 advantage of respondent or of any other person.

1 (11.5) Protection of animals. Grant the petitioner the
2 exclusive care, custody, or control of any animal owned,
3 possessed, leased, kept, or held by either the petitioner
4 or the respondent or a minor child residing in the
5 residence or household of either the petitioner or the
6 respondent and order the respondent to stay away from the
7 animal and forbid the respondent from taking,
8 transferring, encumbering, concealing, harming, or
9 otherwise disposing of the animal.

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

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

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

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

26 (14) Prohibition of entry. Prohibit the respondent

1 from entering or remaining in the residence or household
2 while the respondent is under the influence of alcohol or
3 drugs and constitutes a threat to the safety and
4 well-being of the petitioner or the petitioner's children.

5 (14.5) Prohibition of possession of firearms and
6 firearm parts; search and seizure of firearms and firearms
7 parts.

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

14 (aa) was issued after a hearing of which such
15 person received actual notice, and at which such
16 person had an opportunity to participate, or the
17 petitioner has satisfied the requirements of
18 Section 217;

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

26 (cc) includes a finding that such person

1 represents a credible threat to the physical
2 safety of such intimate partner or child.

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

26 (A-1)(i) Upon issuance of an emergency, interim,

1 or plenary order of protection and subject to the
2 provisions of item (ii) of this subparagraph (A-1),
3 the court shall issue a search warrant for the seizure
4 of any firearms or firearm parts that could be
5 assembled to make an operable firearm belonging to the
6 respondent if the court, based upon sworn testimony,
7 finds that:

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

11 (bb) probable cause exists to believe that:

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

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

20 (III) the credible threat to the physical
21 safety of the petitioner protected by the
22 order of protection is immediate and present.

23 The record shall reflect the court's findings in
24 determining whether the search warrant shall be
25 issued.

26 (ii) If the petitioner does not seek a warrant

1 under this subparagraph (A-1) or the court determines
2 that the requirements of this subparagraph (A-1) have
3 not been met, relief under subparagraph (A) alone may
4 be granted.

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

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

10 (bb) personal injury to the petitioner is
11 likely to occur if the respondent received prior
12 notice; and

13 (cc) the petitioner has otherwise satisfied
14 the requirements of Section 217 of this Act.

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

17 (v) A search warrant issued under this
18 subparagraph (A-1) shall be directed by the court for
19 enforcement to the law enforcement agency with primary
20 responsibility for responding to calls for service at
21 the location to be searched or to another appropriate
22 law enforcement agency if justified by the
23 circumstances. The search warrant shall specify with
24 particularity the scope of the search, including the
25 property to be searched, and shall direct the law
26 enforcement agency to seize the respondent's firearms

1 and firearm parts that could be assembled to make an
2 operable firearm. Law enforcement shall also be
3 directed to seize any Firearm Owner's Identification
4 Card and any Concealed Carry License belonging to the
5 respondent.

6 (vi) The petitioner shall prepare an information
7 sheet, reviewed by the court, for law enforcement at
8 the time the warrant is granted. The information sheet
9 shall include:

10 (aa) contact information for the petitioner,
11 the petitioner's attorney, or both, including a
12 telephone number and email, if available;

13 (bb) a physical description of the respondent,
14 including the respondent's date of birth, if
15 known, or approximate age, height, weight, race,
16 and hair color;

17 (cc) days and times that the respondent is
18 likely to be at the property to be searched, if
19 known; and

20 (dd) whether people other than the respondent
21 are likely to be present at the property to be
22 searched and when, if known.

23 (vii) The information sheet shall be transmitted
24 to the law enforcement agency to which the search
25 warrant is directed in the same manner as the warrant
26 is transmitted under Section 222 of this Act.

(viii) If the court, after determining a search warrant should issue, finds that the petitioner has made a credible report of domestic violence to the local law enforcement agency within the previous 90 days, law enforcement shall execute the warrant no later than 96 hours after receipt of the warrant. If the court finds that petitioner has not made such a report, the law enforcement agency to which the court has directed the warrant shall, within 48 hours of receipt, evaluate the warrant and seek any corrections to the warrant, and, if applicable, add to or negate the warrant. The record shall reflect the court's findings in determining whether to correct, add, or negate the warrant. If a change is made regarding the search warrant, law enforcement shall execute the warrant no later than 96 hours after the correction is issued. The law enforcement agency shall notify the petitioner of any changes to the warrant or if the warrant has been negated. The law enforcement agency to which the court has directed the warrant may coordinate with other law enforcement agencies to execute the warrant. A return of the warrant shall be filed by the law enforcement agency within 24 hours of execution, setting forth the time, date, and location where the warrant was executed and what items, if any, were seized. If the court is not in session, the return

1 information shall be returned on the next date the
2 court is in session. Subject to the provisions of this
3 Section, peace officers shall have the same authority
4 to execute a warrant issued pursuant to this
5 subsection as a warrant issued under Article 108 of
6 the Code of Criminal Procedure of 1963.

7 (ix) Upon discovering a defect in the search
8 warrant, the appropriate law enforcement agency may
9 petition the court to correct the warrant. The law
10 enforcement agency shall notify the petitioner of any
11 such correction.

12 (x) Upon petition by the appropriate law
13 enforcement agency, the court may modify the search
14 warrant or extend the time to execute the search
15 warrant for a period of no more than 96 hours. In
16 determining whether to modify or extend the warrant,
17 the court shall consider:

18 (aa) any increased risk to the petitioner's
19 safety that may result from a modification or
20 extension of the warrant;

21 (bb) any unnecessary risk to law enforcement
22 that would be mitigated by a modification or
23 extension of the warrant;

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

1 (dd) the likelihood of successful execution of
2 warrant.

3 The record shall reflect the court's findings in
4 determining whether to extend or modify the warrant.
5 The law enforcement agency shall notify the petitioner
6 of any modification or extension of the warrant.

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

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

19 (C) (i) Any firearms or firearm parts that could be
20 assembled to make an operable firearm shall be kept by
21 the law enforcement agency that took possession of the
22 items for safekeeping, except as provided in
23 subparagraph (B). The period of safekeeping shall be
24 for the duration of the order of protection. Except as
25 provided in subparagraph (E), the respondent is
26 prohibited from transferring firearms or firearm parts

1 to another individual in lieu of surrender to law
2 enforcement. The law enforcement agency shall provide
3 an itemized statement of receipt to the respondent and
4 the court describing any seized or surrendered
5 firearms or firearm parts and informing the respondent
6 that the respondent may seek the return of the
7 respondent's items at the end of the order of
8 protection. The law enforcement agency may enter
9 arrangements, as needed, with federally licensed
10 firearm dealers or other law enforcement agencies for
11 the storage of any firearms seized or surrendered
12 under this subsection.

13 (ii) It is the respondent's responsibility to
14 request the return or reinstatement of any Firearm
15 Owner's Identification Card or Concealed Carry License
16 and notify the Illinois State Police Firearm Owner's
17 Identification Card Office at the end of the Order of
18 Protection.

19 (iii) At the end of the order of protection, a
20 respondent may request the return of any seized or
21 surrendered firearms or firearm parts that could be
22 assembled to make an operable firearm. Such firearms
23 or firearm parts shall be returned within 14 days of
24 the request to the respondent, if the respondent is
25 lawfully eligible to possess firearms, or to a
26 designated third party who is lawfully eligible to

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

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

1 petition, the court determines the person to be the
2 lawful owner of the firearm and firearm parts that
3 could be assembled to make an operable firearm, the
4 firearm and firearm parts that could be assembled to
5 make an operable firearm shall be returned to the
6 person, provided that:

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

17 (bb) the firearm and firearm parts that could
18 be assembled to make an operable firearm are not
19 otherwise unlawfully possessed by the owner.

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

24 (aa) is the lawful owner of the firearm and
25 firearm parts that could be assembled to make an
26 operable firearm;

1 (bb) shall not transfer the firearm and
2 firearm parts that could be assembled to make an
3 operable firearm to the respondent; and

4 (cc) will store the firearm and firearm parts
5 that could be assembled to make an operable
6 firearm in a manner that the respondent does not
7 have access to or control of the firearm and
8 firearm parts that could be assembled to make an
9 operable firearm.

10 (E) (i) The respondent may file a motion to
11 transfer, at the next scheduled hearing, any seized or
12 surrendered firearms or firearm parts to a third
13 party. Notice of the motion shall be provided to the
14 petitioner and the third party must appear at the
15 hearing.

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

18 (aa) the third party transferee affirms by
19 affidavit to the open court that:

20 (I) the third party transferee does not
21 reside with the respondent;

22 (II) the respondent does not have access
23 to the location in which the third party
24 transferee intends to keep the firearms or
25 firearm parts;

26 (III) the third party transferee will not

1 transfer the firearm or firearm parts to the
2 respondent or anyone who resides with the
3 respondent;

4 (IV) the third party transferee will
5 maintain control and possession of the firearm
6 or firearm parts until otherwise ordered by
7 the court; and

8 (V) the third party transferee will be
9 subject to criminal penalties for transferring
10 the firearms or firearm parts to the
11 respondent; and

12 (bb) the court finds that:

13 (I) the respondent holds a valid Firearm
14 Owner's Identification; and

15 (II) the transfer of firearms or firearm
16 parts to the third party transferee does not
17 place the petitioner or any other protected
18 parties at any additional threat or risk of
19 harm.

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

1 attempting to inspect or obtain, school or any other
2 records of the minor child who is in the care of
3 petitioner.

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

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

19 (18) Telephone services.

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

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

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

16 (ii) Each telephone number that will be
17 transferred.

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

22 (B) A wireless telephone service provider shall
23 terminate the respondent's use of, and shall transfer
24 to the petitioner use of, the telephone number or
25 numbers indicated in subparagraph (A) of this
26 paragraph unless it notifies the petitioner, within 72

1 hours after it receives the order, that one of the
2 following applies:

3 (i) The account holder named in the order has
4 terminated the account.

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

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

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

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

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

26 (E) Except for willful or wanton misconduct, a

1 wireless telephone service provider is immune from
2 civil liability for its actions taken in compliance
3 with a court order issued under this paragraph.

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

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

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

25 (c) Relevant factors; findings.

26 (1) In determining whether to grant a specific remedy,

1 other than payment of support, the court shall consider
2 relevant factors, including but not limited to the
3 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 temporary allocation of parental responsibilities,
2 including parenting time with the minor child, or physical
3 care and possession of the minor child, nor shall an order
4 of payment for support of the minor child be entered.

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

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

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

19 (2) Respondent was voluntarily intoxicated;

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

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

26 (5) Petitioner left the residence or household to

1 avoid further abuse, neglect, or exploitation by
2 respondent;

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

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

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

12 (750 ILCS 60/220) (from Ch. 40, par. 2312-20)

13 Sec. 220. Duration and extension of orders.

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

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

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

21 (b) Duration of plenary orders.

22 (0.05) A plenary order of protection entered under
23 this Act shall be valid for a fixed period of time, not to
24 exceed two years.

25 (1) A plenary order of protection entered in

1 conjunction with another civil proceeding shall remain in
2 effect as follows:

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

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

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

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

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

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

1 event has occurred or that the plenary order has been vacated
2 or modified with the Sheriff, and the Sheriff shall direct
3 that law enforcement records shall be promptly corrected in
4 accordance with the filed order.

5 (e) Extension of orders.

6 (1) Emergency and Interim orders. Any emergency⁷
7 interim ~~or plenary~~ order may be extended one or more
8 times, as required, provided that the requirements of
9 Section 217, 218 or 219, as appropriate, are satisfied. A
10 violation of the original order or a subsequent incident
11 of abuse is not required to grant an extension of the
12 order.

13 (2) Plenary orders.

14 (A) The court shall grant the petitioner's motion
15 to extend a plenary order of protection if the
16 requirements of Section 219 have been satisfied and
17 there has been no material change in the relevant
18 circumstances. The court shall not deny a motion to
19 extend solely because there is no violation of the
20 original order nor a subsequent incident of abuse.

21 (B) An extension of a plenary order may be granted
22 for any fixed period of time or until the order is
23 vacated or modified. If the petitioner seeks an
24 extension longer than 2 years, the court may grant
25 such request if it finds that there is good cause to
26 extend the order for longer than 2 years.

1 (C) If respondent does not contest the motion to
2 extend a plenary order of protection, after service of
3 the motion in accordance with Supreme Court Rules 11,
4 12, and 105, the court may grant the request for an
5 extension based solely on the petitioner's motion and
6 affidavit setting forth the requirements of this
7 paragraph (2).

8 (D) If the plenary order is set to expire before
9 the next available court date, then the court date for
10 extension must be expedited. The court may extend the
11 order on an emergency basis pending a hearing on the
12 request. If a plenary order expires prior to a hearing
13 on the motion, the court may reinstate and extend the
14 order upon hearing.

15 ~~If the motion for extension is uncontested and petitioner~~
16 ~~seeks no modification of the order, the order may be extended~~
17 ~~on the basis of petitioner's motion or affidavit stating that~~
18 ~~there has been no material change in relevant circumstances~~
19 ~~since entry of the order and stating the reason for the~~
20 ~~requested extension. An extension of a plenary order of~~
21 ~~protection may be granted, upon good cause shown, to remain in~~
22 ~~effect until the order of protection is vacated or modified.~~

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

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

4 (g) Statement of purpose. The practice of dismissing or
5 suspending a criminal prosecution in exchange for the issuance
6 of an order of protection undermines the purposes of this Act.
7 This Section shall not be construed as encouraging that
8 practice.

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