



Sen. Adriane Johnson

Filed: 3/5/2026

10400SB3020sam001

LRB104 17995 RLC 35211 a

1 AMENDMENT TO SENATE BILL 3020

2 AMENDMENT NO. _____. Amend Senate Bill 3020 by replacing
3 everything after the enacting clause with the following:

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

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

8 Sec. 112A-3. Definitions.

9 (a) In this Article:

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

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

16 "Protective order" means a domestic violence order of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (8) "Petitioner" may mean not only any named
2 petitioner for the domestic violence order of protection
3 and any named victim of abuse on whose behalf the petition
4 is brought, but also any other person protected by this
5 Article.

6 (9) "Physical abuse" includes sexual abuse and means
7 any of the following:

8 (i) knowing or reckless use of physical force,
9 confinement or restraint;

10 (ii) knowing, repeated and unnecessary sleep
11 deprivation; or

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

14 (9.3) "Respondent" in a petition for a domestic
15 violence order of protection means the defendant.

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

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

1 of physical, mental or emotional harm, except with regard
2 to medical care and treatment when such dependent person
3 has expressed the intent to forgo such medical care or
4 treatment. This paragraph (10) does not create any new
5 affirmative duty to provide support to dependent persons.

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

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

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

15 (3) "Non-consensual" means a lack of freely given
16 agreement.

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

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

25 (6) "Sexual conduct" means any intentional or knowing
26 touching or fondling by the petitioner or the respondent,

1 either directly or through clothing, of the sex organs,
2 anus, or breast of the petitioner or the respondent, or
3 any part of the body of a child under 13 years of age, or
4 any transfer or transmission of semen by the respondent
5 upon any part of the clothed or unclothed body of the
6 petitioner, for the purpose of sexual gratification or
7 arousal of the petitioner or the respondent.

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

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

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

26 (1) "Course of conduct" means 2 or more acts,

1 including, but not limited to, acts in which a respondent
2 directly, indirectly, or through third parties, by any
3 action, method, device, or means follows, monitors,
4 observes, surveils, threatens, or communicates to or
5 about, a person, engages in other contact, or interferes
6 with or damages a person's property or pet. A course of
7 conduct may include contact via electronic communications.
8 The incarceration of a person in a penal institution who
9 commits the course of conduct is not a bar to prosecution.

10 (2) "Emotional distress" means significant mental
11 suffering, anxiety, or alarm.

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

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

1 (5) "Reasonable person" means a person in the
2 petitioner's circumstances with the petitioner's knowledge
3 of the respondent and the respondent's prior acts.

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

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

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

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

25 (725 ILCS 5/112A-5.5)

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

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

9 (b) The request for an ex parte protective order may be
10 considered without notice to the respondent under Section
11 112A-17.5 of this Code.

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

21 (d) The summons shall be served by the sheriff or other law
22 enforcement officer at the earliest time available and shall
23 take precedence over any other summons, except those of a
24 similar emergency nature. Attachments to the summons shall
25 include the petition for protective order, supporting
26 affidavits, if any, and any ex parte protective order that has

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

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

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

24 (f-5) A court ~~in a county with a population above 250,000~~
25 shall offer the option of a remote hearing to a petitioner for
26 a protective order. The court shall grant a request for a

1 remote hearing unless good cause is shown for denial ~~has the~~
2 ~~discretion to grant or deny the request for a remote hearing.~~
3 Each court shall determine the procedure for a remote hearing.
4 The petitioner, applicable witness or witnesses and respondent
5 may appear remotely or in person.

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

15 (g) Default orders.

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

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

25 (B) for any of the remedies provided under
26 paragraph (1), (2), (3), (5), (6), (7), (8), (9),

1 (10), (11), (14), (15), (17), or (18) of subsection
2 (b) of Section 112A-14 of this Code, or if the
3 respondent fails to answer or appear in accordance
4 with the date set in the publication notice or the
5 return date indicated on the service of a household
6 member.

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

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

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

24 (725 ILCS 5/112A-11.5)

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

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

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

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

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

26 (4) the entry of a protective order in a separate

1 civil case brought by the petitioner against the
2 respondent.

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

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

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

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

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

1 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

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

4 (a) (Blank).

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

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

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

25 (A) Right to occupancy. A party has a right to
26 occupancy of a residence or household if it is solely

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

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

24 The balance of hardships is presumed to favor
25 possession by petitioner unless the presumption is
26 rebutted by a preponderance of the evidence, showing

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

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

19 (A) If a domestic violence order of protection
20 grants petitioner exclusive possession of the
21 residence, prohibits respondent from entering the
22 residence, or orders respondent to stay away from
23 petitioner or other protected persons, then the court
24 may allow respondent access to the residence to remove
25 items of clothing and personal adornment used
26 exclusively by respondent, medications, and other

1 items as the court directs. The right to access shall
2 be exercised on only one occasion as the court directs
3 and in the presence of an agreed-upon adult third
4 party or law enforcement officer.

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

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

1 respondent's program, the parents, guardian, or legal
2 custodian of the respondent is responsible for
3 transportation and other costs associated with the
4 transfer or change.

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

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

26 (5) Physical care and possession of the minor child.

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

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

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

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

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

8 (i) abuse or endanger the minor child during
9 parenting time;

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

13 (iii) improperly conceal or detain the minor
14 child; or

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

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

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

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

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

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

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

1 property; or

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

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

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

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

21 (i) petitioner, but not respondent, owns the
22 property; or

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

26 If petitioner's sole claim to ownership of the

1 property is that it is marital property, the court may
2 grant petitioner relief under subparagraph (ii) of this
3 paragraph only if a proper proceeding has been filed under
4 the Illinois Marriage and Dissolution of Marriage Act, as
5 now or hereafter amended.

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

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

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

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

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

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

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

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

13 (14.5) Prohibition of possession of firearms and
14 firearm parts; search and seizure of firearms and firearm
15 parts.

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

24 (B) Any firearms in the possession of the
25 respondent, except as provided in subparagraph (C) of
26 this paragraph (14.5) and subject to the provisions of

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

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

1 (i) If requested by law enforcement, the court
2 shall issue a search warrant for the seizure of
3 any firearms or firearm parts that could be
4 assembled to make an operable firearm belonging to
5 the respondent at or after entry of an order of
6 protection if the court, based upon sworn
7 testimony and governed by Sections 108-3 and
8 108-4, finds probable cause exists that:

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

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

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

21 (ii) The search warrant shall specify with
22 particularity the scope of the search, including
23 the property to be searched, and shall direct the
24 law enforcement agency to seize the respondent's
25 firearms and firearm parts that could be assembled
26 to make an operable firearm. Law enforcement shall

1 also be directed to seize into their possession
2 any Firearm Owner's Identification Card and any
3 Concealed Carry License belonging to the
4 respondent.

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

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

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

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

11 (B-2) Ex parte relief may be granted under this
12 paragraph (14.5) only if the court finds that personal
13 injury to the petitioner is likely to occur if the
14 respondent received prior notice and if the petitioner
15 has otherwise satisfied the requirements of Section
16 112A-17.5 of this Article.

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

26 (D) (i) Any firearms or firearm parts that could be

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

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

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

26 (E) (i) If a person other than the respondent

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

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

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

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

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

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

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

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

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

25 (aa) the third party transferee affirms by
26 affidavit to the open court that:

1 (I) the third party transferee does not
2 reside with the respondent;

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

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

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

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

19 (bb) the court finds that:

20 (I) the respondent holds a valid Firearm
21 Owner's Identification; and

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

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

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

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

25 (18) Telephone services.

26 (A) Unless a condition described in subparagraph

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

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

22 (ii) Each telephone number that will be
23 transferred.

24 (iii) A statement that the provider transfers
25 to the petitioner all financial responsibility for
26 and right to the use of any telephone number

1 transferred under this paragraph.

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

9 (i) The account holder named in the order has
10 terminated the account.

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

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

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

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

26 (D) A wireless telephone service provider may

1 apply to the petitioner its routine and customary
2 requirements for establishing an account or
3 transferring a number, including requiring the
4 petitioner to provide proof of identification,
5 financial information, and customer preferences.

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

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

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

24 (19) Cease use and dissemination.

25 (A) Order the respondent to stop use and
26 dissemination of materials or statements to prevent

1 further abuse.

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

4 (C) Require the respondent to produce sufficient
5 evidence that such compliance has occurred.

6 (20) Removal of harassing materials, tracking or
7 monitoring. Order the respondent to remove or delete and
8 take reasonable steps to remove or delete the harassing
9 statements or materials or delete the tracking and
10 monitoring information collected by the respondent and
11 produce sufficient evidence that such compliance has
12 occurred.

13 (c) Relevant factors; findings.

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

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

26 (ii) the danger that any minor child will be

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

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

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

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

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

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

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

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

1 (iii) Whether it is necessary to grant the
2 requested relief in order to protect petitioner or
3 other alleged abused persons.

4 (4) (Blank).

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

1 nor shall an order of payment for support of the minor
2 child be entered.

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

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

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

17 (2) respondent was voluntarily intoxicated;

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

22 (4) petitioner did not act in self-defense or defense
23 of another;

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

26 (6) petitioner did not leave the residence or

1 household to avoid further abuse by respondent; or

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

6 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
7 102-813, eff. 5-13-22; 103-1065, eff. 5-11-25.)

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

11 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

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

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

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

1 or her legal guardian, if any.

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

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

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

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

1 individuals in business or social contexts shall be deemed to
2 constitute a dating relationship. In the case of a high-risk
3 adult with disabilities, "family or household members"
4 includes any person who has the responsibility for a high-risk
5 adult as a result of a family relationship or who has assumed
6 responsibility for all or a portion of the care of a high-risk
7 adult with disabilities voluntarily, or by express or implied
8 contract, or by court order.

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

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

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

22 (iii) repeatedly following the petitioner, including,
23 but not limited to, directly or indirectly through third
24 parties, or by using electronic tracking or monitoring, or
25 acquiring information, to determine the petitioner's
26 location, movement, or travel patterns without the

1 petitioner's knowledge or consent; repeatedly following
2 petitioner about in a public place or places;

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

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

24 (vi) threatening physical force, confinement or
25 restraint on one or more occasions;i-

26 (vii) non-consensual dissemination or threatening the

1 dissemination of electronically generated or digitally
2 altered content using the image, voice, or other
3 characteristic of the petitioner to falsely impersonate
4 the petitioner or the petitioner's representative;

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

10 (ix) engaging in doxing as defined in the Civil
11 Liability for Doxing Act.

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

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

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

1 household member.

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

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

8 (ii) the repeated, careless imposition of unreasonable
9 confinement;

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

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

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

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

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

1 Section 214 of this Act.

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

6 (14) "Physical abuse" includes sexual abuse and means any
7 of the following:

8 (i) knowing or reckless use of physical force,
9 confinement or restraint;

10 (ii) knowing, repeated and unnecessary sleep
11 deprivation; or

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

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

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

1 forgo such medical care or treatment. This paragraph does not
2 create any new affirmative duty to provide support to
3 dependent persons.

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

5 (750 ILCS 60/201) (from Ch. 40, par. 2312-1)

6 Sec. 201. Persons protected by this Act.

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

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

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

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

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

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

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

23 (B) a legally appointed guardian or legally
24 appointed custodian of that child;

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

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

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

11 (b) A petition for an order of protection may be filed
12 only:

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

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

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

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

1 (B) a legally appointed guardian or legally
2 appointed custodian of that child;

3 (C) an adoptive parent of that child;

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

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

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

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

26 A petition for an order of protection may not be denied

1 solely upon the basis that the respondent or petitioner is
2 incarcerated in a penal institution at the time of the filing
3 of the petition.

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

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

7 (750 ILCS 60/212) (from Ch. 40, par. 2312-12)

8 Sec. 212. Hearings.

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

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

1 attorney involved in the criminal prosecution may, but need
2 not, continue to offer counsel to the petitioner on
3 transferred matters.

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

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

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

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

1 Sec. 214. Order of protection; remedies.

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

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

24 (1) Prohibition of abuse, neglect, or exploitation.
25 Prohibit respondent's harassment, interference with
26 personal liberty, intimidation of a dependent, physical

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

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

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

26 (B) Presumption of hardships. If petitioner and

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

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

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

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

23 (B) When the petitioner and the respondent attend
24 the same public, private, or non-public elementary,
25 middle, or high school, the court when issuing an
26 order of protection and providing relief shall

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

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

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

1 the event the court orders a transfer of the
2 respondent to another school, the parents, guardian,
3 or legal custodian of the respondent is responsible
4 for transportation and other costs associated with the
5 change of school by the respondent.

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

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

1 in loco parentis.

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

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

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

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

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

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

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

1 an affidavit accepting that responsibility and
2 acknowledging accountability to the court.

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

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

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

16 (i) petitioner, but not respondent, owns the
17 property; or

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

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

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

3 No order under this provision shall affect title to
4 property.

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

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

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

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

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

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

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

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

24 (13) Order for payment of losses. Order respondent to
25 pay petitioner for losses suffered as a direct result of
26 the abuse, neglect, or exploitation. Such losses shall

1 include, but not be limited to, medical expenses, lost
2 earnings or other support, repair or replacement of
3 property damaged or taken, reasonable attorney's fees,
4 court costs and moving or other travel expenses, including
5 additional reasonable expenses for temporary shelter and
6 restaurant meals.

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

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

23 (14) Prohibition of entry. Prohibit the respondent
24 from entering or remaining in the residence or household
25 while the respondent is under the influence of alcohol or
26 drugs and constitutes a threat to the safety and

1 well-being of the petitioner or the petitioner's children.

2 (14.5) Prohibition of possession of firearms and
3 firearm parts; search and seizure of firearms and firearms
4 parts.

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

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

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

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

26 (ii) The court shall order any respondent

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

23 (A-1)(i) Upon issuance of an emergency, interim,
24 or plenary order of protection and subject to the
25 provisions of item (ii) of this subparagraph (A-1),
26 the court shall issue a search warrant for the seizure

1 of any firearms or firearm parts that could be
2 assembled to make an operable firearm belonging to the
3 respondent if the court, based upon sworn testimony,
4 finds that:

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

8 (bb) probable cause exists to believe that:

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

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

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

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

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

1 be granted.

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

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

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

10 (cc) the petitioner has otherwise satisfied
11 the requirements of Section 217 of this Act.

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

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

1 Card and any Concealed Carry License belonging to the
2 respondent.

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

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

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

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

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

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

24 (viii) If the court, after determining a search
25 warrant should issue, finds that the petitioner has
26 made a credible report of domestic violence to the

1 local law enforcement agency within the previous 90
2 days, law enforcement shall execute the warrant no
3 later than 96 hours after receipt of the warrant. If
4 the court finds that petitioner has not made such a
5 report, the law enforcement agency to which the court
6 has directed the warrant shall, within 48 hours of
7 receipt, evaluate the warrant and seek any corrections
8 to the warrant, and, if applicable, add to or negate
9 the warrant. The record shall reflect the court's
10 findings in determining whether to correct, add, or
11 negate the warrant. If a change is made regarding the
12 search warrant, law enforcement shall execute the
13 warrant no later than 96 hours after the correction is
14 issued. The law enforcement agency shall notify the
15 petitioner of any changes to the warrant or if the
16 warrant has been negated. The law enforcement agency
17 to which the court has directed the warrant may
18 coordinate with other law enforcement agencies to
19 execute the warrant. A return of the warrant shall be
20 filed by the law enforcement agency within 24 hours of
21 execution, setting forth the time, date, and location
22 where the warrant was executed and what items, if any,
23 were seized. If the court is not in session, the return
24 information shall be returned on the next date the
25 court is in session. Subject to the provisions of this
26 Section, peace officers shall have the same authority

1 to execute a warrant issued pursuant to this
2 subsection as a warrant issued under Article 108 of
3 the Code of Criminal Procedure of 1963.

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

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

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

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

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

24 (dd) the likelihood of successful execution of
25 warrant.

26 The record shall reflect the court's findings in

1 determining whether to extend or modify the warrant.
2 The law enforcement agency shall notify the petitioner
3 of any modification or extension of the warrant.

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

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

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

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

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

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

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

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

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

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

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

15 (aa) the third party transferee affirms by
16 affidavit to the open court that:

17 (I) the third party transferee does not
18 reside with the respondent;

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

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

1 (IV) the third party transferee will
2 maintain control and possession of the firearm
3 or firearm parts until otherwise ordered by
4 the court; and

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

9 (bb) the court finds that:

10 (I) the respondent holds a valid Firearm
11 Owner's Identification; and

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

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

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

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

16 (18) Telephone services.

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

1 of commercial mobile service as defined in 47 U.S.C.
2 332. The petitioner may request the transfer of each
3 telephone number that the petitioner, or a minor child
4 in his or her custody, uses. The clerk of the court
5 shall serve the order on the wireless telephone
6 service provider's agent for service of process
7 provided to the Illinois Commerce Commission. The
8 order shall contain all of the following:

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

13 (ii) Each telephone number that will be
14 transferred.

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

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

26 (i) The account holder named in the order has

1 terminated the account.

2 (ii) A difference in network technology would
3 prevent or impair the functionality of a device on
4 a network if the transfer occurs.

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

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

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

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

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

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

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

15 (19) Cease use and dissemination.

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

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

21 (C) Require the respondent to produce sufficient
22 evidence that such compliance has occurred.

23 (20) Removal of harassing materials, tracking, or
24 monitoring. Order respondent to remove or delete and take
25 reasonable steps to remove or delete the harassing
26 statements or materials or delete the tracking and

1 monitoring information collected by the respondent and
2 produce sufficient evidence that such compliance has
3 occurred.

4 (c) Relevant factors; findings.

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

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

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

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

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

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

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

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

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

16 (ii) Whether the conduct or actions of respondent,
17 unless prohibited, will likely cause irreparable harm
18 or continued abuse.

19 (iii) Whether it is necessary to grant the
20 requested relief in order to protect petitioner or
21 other alleged abused persons.

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

1 When a verified petition for an emergency order of
2 protection in accordance with the requirements of Sections
3 203 and 217 is presented to the court, the court shall
4 examine petitioner on oath or affirmation. An emergency
5 order of protection shall be issued by the court if it
6 appears from the contents of the petition and the
7 examination of petitioner that the averments are
8 sufficient to indicate abuse by respondent and to support
9 the granting of relief under the issuance of the emergency
10 order of protection.

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

1 both parties appeared in open court or at an
2 administrative hearing acknowledging under oath or
3 admitting by affirmation the existence of a father and
4 child relationship. Absent such an adjudication, finding,
5 or acknowledgment, no putative father shall be granted
6 temporary allocation of parental responsibilities,
7 including parenting time with the minor child, or physical
8 care and possession of the minor child, nor shall an order
9 of payment for support of the minor child be entered.

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

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

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

24 (2) Respondent was voluntarily intoxicated;

25 (3) Petitioner acted in self-defense or defense of
26 another, provided that, if petitioner utilized force, such

1 force was justifiable under Article 7 of the Criminal Code
2 of 2012;

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

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

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

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

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

17 (750 ILCS 60/220) (from Ch. 40, par. 2312-20)

18 Sec. 220. Duration and extension of orders.

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

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

24 (2) Interim orders shall be effective for up to 30
25 days.

1 (b) Duration of plenary orders.

2 (0.05) A plenary order of protection entered under
3 this Act shall be valid for a fixed period of time, not to
4 exceed two years.

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

8 (i) if entered as preliminary relief in that other
9 proceeding, until entry of final judgment in that
10 other proceeding;

11 (ii) if incorporated into the final judgment in
12 that other proceeding, until the order of protection
13 is vacated or modified; or

14 (iii) if incorporated in an order for involuntary
15 commitment, until termination of both the involuntary
16 commitment and any voluntary commitment, or for a
17 fixed period of time not exceeding 2 years.

18 (2) Duration of an order of protection entered in
19 conjunction with a criminal prosecution or delinquency
20 petition shall remain in effect as provided in Section
21 112A-20 of the Code of Criminal Procedure of 1963.

22 (c) Computation of time. The duration of an order of
23 protection shall not be reduced by the duration of any prior
24 order of protection.

25 (d) Law enforcement records. When a plenary order of
26 protection expires upon the occurrence of a specified event,

1 rather than upon a specified date as provided in subsection
2 (b), no expiration date shall be entered in Illinois State
3 Police records. To remove the plenary order from those
4 records, either party shall request the clerk of the court to
5 file a certified copy of an order stating that the specified
6 event has occurred or that the plenary order has been vacated
7 or modified with the Sheriff, and the Sheriff shall direct
8 that law enforcement records shall be promptly corrected in
9 accordance with the filed order.

10 (e) Extension of orders.

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

18 (2) Plenary orders.

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

26 (B) An extension of a plenary order may be granted

1 for any fixed period of time or until the order is
2 vacated or modified. If the petitioner seeks an
3 extension longer than 2 years, the court may grant
4 such request if it finds that there is good cause to
5 extend the order for longer than 2 years.

6 (C) If respondent does not contest the motion to
7 extend a plenary order of protection, after service of
8 the motion in accordance with Supreme Court Rules 11,
9 12, and 105, the court may grant the request for an
10 extension based solely on the petitioner's motion and
11 affidavit setting forth the requirements of this
12 paragraph (2).

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

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

1 ~~effect until the order of protection is vacated or modified.~~

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

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

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

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