

1 AN ACT concerning domestic violence.

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

4 Section 5. The Criminal Code of 2012 is amended by  
5 changing Section 24-3 as follows:

6 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

7 Sec. 24-3. Unlawful sale or delivery of firearms.

8 (A) A person commits the offense of unlawful sale or  
9 delivery of firearms when he or she knowingly does any of the  
10 following:

11 (a) Sells or gives any firearm of a size which may be  
12 concealed upon the person to any person under 18 years of  
13 age.

14 (b) Sells or gives any firearm to a person under 21  
15 years of age who has been convicted of a misdemeanor other  
16 than a traffic offense or adjudged delinquent.

17 (c) Sells or gives any firearm to any narcotic addict.

18 (d) Sells or gives any firearm to any person who has  
19 been convicted of a felony under the laws of this or any  
20 other jurisdiction.

21 (e) Sells or gives any firearm to any person who has  
22 been a patient in a mental institution within the past 5  
23 years. In this subsection (e):

1            "Mental institution" means any hospital,  
2            institution, clinic, evaluation facility, mental  
3            health center, or part thereof, which is used  
4            primarily for the care or treatment of persons with  
5            mental illness.

6            "Patient in a mental institution" means the person  
7            was admitted, either voluntarily or involuntarily, to  
8            a mental institution for mental health treatment,  
9            unless the treatment was voluntary and solely for an  
10           alcohol abuse disorder and no other secondary  
11           substance abuse disorder or mental illness.

12           (f) Sells or gives any firearms to any person who is a  
13           person with an intellectual disability.

14           (g) Delivers any firearm, incidental to a sale,  
15           without withholding delivery of the firearm for at least  
16           72 hours after application for its purchase has been made,  
17           or delivers a stun gun or taser, incidental to a sale,  
18           without withholding delivery of the stun gun or taser for  
19           at least 24 hours after application for its purchase has  
20           been made. However, this paragraph (g) does not apply to:

21           (1) the sale of a firearm to a law enforcement officer if  
22           the seller of the firearm knows that the person to whom he  
23           or she is selling the firearm is a law enforcement officer  
24           or the sale of a firearm to a person who desires to  
25           purchase a firearm for use in promoting the public  
26           interest incident to his or her employment as a bank

1 guard, armed truck guard, or other similar employment; (2)  
2 a mail order sale of a firearm from a federally licensed  
3 firearms dealer to a nonresident of Illinois under which  
4 the firearm is mailed to a federally licensed firearms  
5 dealer outside the boundaries of Illinois; (3) (blank);  
6 (4) the sale of a firearm to a dealer licensed as a federal  
7 firearms dealer under Section 923 of the federal Gun  
8 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or  
9 sale of any rifle, shotgun, or other long gun to a resident  
10 registered competitor or attendee or non-resident  
11 registered competitor or attendee by any dealer licensed  
12 as a federal firearms dealer under Section 923 of the  
13 federal Gun Control Act of 1968 at competitive shooting  
14 events held at the World Shooting Complex sanctioned by a  
15 national governing body. For purposes of transfers or  
16 sales under subparagraph (5) of this paragraph (g), the  
17 Department of Natural Resources shall give notice to the  
18 Illinois State Police at least 30 calendar days prior to  
19 any competitive shooting events at the World Shooting  
20 Complex sanctioned by a national governing body. The  
21 notification shall be made on a form prescribed by the  
22 Illinois State Police. The sanctioning body shall provide  
23 a list of all registered competitors and attendees at  
24 least 24 hours before the events to the Illinois State  
25 Police. Any changes to the list of registered competitors  
26 and attendees shall be forwarded to the Illinois State

1 Police as soon as practicable. The Illinois State Police  
2 must destroy the list of registered competitors and  
3 attendees no later than 30 days after the date of the  
4 event. Nothing in this paragraph (g) relieves a federally  
5 licensed firearm dealer from the requirements of  
6 conducting a NICS background check through the Illinois  
7 Point of Contact under 18 U.S.C. 922(t). For purposes of  
8 this paragraph (g), "application" means when the buyer and  
9 seller reach an agreement to purchase a firearm. For  
10 purposes of this paragraph (g), "national governing body"  
11 means a group of persons who adopt rules and formulate  
12 policy on behalf of a national firearm sporting  
13 organization.

14 (h) While holding any license as a dealer, importer,  
15 manufacturer or pawnbroker under the federal Gun Control  
16 Act of 1968, manufactures, sells or delivers to any  
17 unlicensed person a handgun having a barrel, slide, frame  
18 or receiver which is a die casting of zinc alloy or any  
19 other nonhomogeneous metal which will melt or deform at a  
20 temperature of less than 800 degrees Fahrenheit. For  
21 purposes of this paragraph, (1) "firearm" is defined as in  
22 the Firearm Owners Identification Card Act; and (2)  
23 "handgun" is defined as a firearm designed to be held and  
24 fired by the use of a single hand, and includes a  
25 combination of parts from which such a firearm can be  
26 assembled.

1           (i) Sells or gives a firearm of any size to any person  
2           under 18 years of age who does not possess a valid Firearm  
3           Owner's Identification Card.

4           (j) Sells or gives a firearm while engaged in the  
5           business of selling firearms at wholesale or retail  
6           without being licensed as a federal firearms dealer under  
7           Section 923 of the federal Gun Control Act of 1968 (18  
8           U.S.C. 923). In this paragraph (j):

9           A person "engaged in the business" means a person who  
10          devotes time, attention, and labor to engaging in the  
11          activity as a regular course of trade or business with the  
12          principal objective of livelihood and profit, but does not  
13          include a person who makes occasional repairs of firearms  
14          or who occasionally fits special barrels, stocks, or  
15          trigger mechanisms to firearms.

16          "With the principal objective of livelihood and  
17          profit" means that the intent underlying the sale or  
18          disposition of firearms is predominantly one of obtaining  
19          livelihood and pecuniary gain, as opposed to other  
20          intents, such as improving or liquidating a personal  
21          firearms collection; however, proof of profit shall not be  
22          required as to a person who engages in the regular and  
23          repetitive purchase and disposition of firearms for  
24          criminal purposes or terrorism.

25          (k) Sells or transfers ownership of a firearm to a  
26          person who does not display to the seller or transferor of

1 the firearm either: (1) a currently valid Firearm Owner's  
2 Identification Card that has previously been issued in the  
3 transferee's name by the Illinois State Police under the  
4 provisions of the Firearm Owners Identification Card Act;  
5 or (2) a currently valid license to carry a concealed  
6 firearm that has previously been issued in the  
7 transferee's name by the Illinois State Police under the  
8 Firearm Concealed Carry Act. This paragraph (k) does not  
9 apply to the transfer of a firearm to a person who is  
10 exempt from the requirement of possessing a Firearm  
11 Owner's Identification Card under Section 2 of the Firearm  
12 Owners Identification Card Act. For the purposes of this  
13 Section, a currently valid Firearm Owner's Identification  
14 Card or license to carry a concealed firearm means receipt  
15 of an approval number issued in accordance with subsection  
16 (a-10) of Section 3 or Section 3.1 of the Firearm Owners  
17 Identification Card Act.

18 (1) In addition to the other requirements of this  
19 paragraph (k), all persons who are not federally  
20 licensed firearms dealers must also have complied with  
21 subsection (a-10) of Section 3 of the Firearm Owners  
22 Identification Card Act by determining the validity of  
23 a purchaser's Firearm Owner's Identification Card.

24 (2) All sellers or transferors who have complied  
25 with the requirements of subparagraph (1) of this  
26 paragraph (k) shall not be liable for damages in any

1 civil action arising from the use or misuse by the  
2 transferee of the firearm transferred, except for  
3 willful or wanton misconduct on the part of the seller  
4 or transferor.

5 (l) Not being entitled to the possession of a firearm,  
6 delivers the firearm, knowing it to have been stolen or  
7 converted. It may be inferred that a person who possesses  
8 a firearm with knowledge that its serial number has been  
9 removed or altered has knowledge that the firearm is  
10 stolen or converted.

11 (m) Gives a firearm or firearm parts to or allows a  
12 respondent in an order of protection action access to a  
13 firearm or firearm parts in violation of a court order  
14 under Section 112A-14(b)(14.5)(E) or (F) of the Code of  
15 Criminal Procedure of 1963 or subparagraph (D) or (E) of  
16 paragraph (14.5) of subsection (b) of Section 214 of the  
17 Illinois Domestic Violence Act of 1986.

18 (B) Paragraph (h) of subsection (A) does not include  
19 firearms sold within 6 months after enactment of Public Act  
20 78-355 (approved August 21, 1973, effective October 1, 1973),  
21 nor is any firearm legally owned or possessed by any citizen or  
22 purchased by any citizen within 6 months after the enactment  
23 of Public Act 78-355 subject to confiscation or seizure under  
24 the provisions of that Public Act. Nothing in Public Act  
25 78-355 shall be construed to prohibit the gift or trade of any  
26 firearm if that firearm was legally held or acquired within 6

1 months after the enactment of that Public Act.

2 (C) Sentence.

3 (1) Any person convicted of unlawful sale or delivery  
4 of firearms in violation of paragraph (c), (e), (f), (g),  
5 or (h) of subsection (A) commits a Class 4 felony.

6 (2) Any person convicted of unlawful sale or delivery  
7 of firearms in violation of paragraph (b) or (i) of  
8 subsection (A) commits a Class 3 felony.

9 (3) Any person convicted of unlawful sale or delivery  
10 of firearms in violation of paragraph (a) of subsection  
11 (A) commits a Class 2 felony.

12 (4) Any person convicted of unlawful sale or delivery  
13 of firearms in violation of paragraph (a), (b), or (i) of  
14 subsection (A) in any school, on the real property  
15 comprising a school, within 1,000 feet of the real  
16 property comprising a school, at a school related  
17 activity, or on or within 1,000 feet of any conveyance  
18 owned, leased, or contracted by a school or school  
19 district to transport students to or from school or a  
20 school related activity, regardless of the time of day or  
21 time of year at which the offense was committed, commits a  
22 Class 1 felony. Any person convicted of a second or  
23 subsequent violation of unlawful sale or delivery of  
24 firearms in violation of paragraph (a), (b), or (i) of  
25 subsection (A) in any school, on the real property  
26 comprising a school, within 1,000 feet of the real

1 property comprising a school, at a school related  
2 activity, or on or within 1,000 feet of any conveyance  
3 owned, leased, or contracted by a school or school  
4 district to transport students to or from school or a  
5 school related activity, regardless of the time of day or  
6 time of year at which the offense was committed, commits a  
7 Class 1 felony for which the sentence shall be a term of  
8 imprisonment of no less than 5 years and no more than 15  
9 years.

10 (5) Any person convicted of unlawful sale or delivery  
11 of firearms in violation of paragraph (a) or (i) of  
12 subsection (A) in residential property owned, operated, or  
13 managed by a public housing agency or leased by a public  
14 housing agency as part of a scattered site or mixed-income  
15 development, in a public park, in a courthouse, on  
16 residential property owned, operated, or managed by a  
17 public housing agency or leased by a public housing agency  
18 as part of a scattered site or mixed-income development,  
19 on the real property comprising any public park, on the  
20 real property comprising any courthouse, or on any public  
21 way within 1,000 feet of the real property comprising any  
22 public park, courthouse, or residential property owned,  
23 operated, or managed by a public housing agency or leased  
24 by a public housing agency as part of a scattered site or  
25 mixed-income development commits a Class 2 felony.

26 (6) Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (j) of subsection  
2 (A) commits a Class A misdemeanor. A second or subsequent  
3 violation is a Class 4 felony.

4 (7) Any person convicted of unlawful sale or delivery  
5 of firearms in violation of paragraph (k) of subsection  
6 (A) commits a Class 4 felony, except that a violation of  
7 subparagraph (1) of paragraph (k) of subsection (A) shall  
8 not be punishable as a crime or petty offense. A third or  
9 subsequent conviction for a violation of paragraph (k) of  
10 subsection (A) is a Class 1 felony.

11 (8) A person 18 years of age or older convicted of  
12 unlawful sale or delivery of firearms in violation of  
13 paragraph (a) or (i) of subsection (A), when the firearm  
14 that was sold or given to another person under 18 years of  
15 age was used in the commission of or attempt to commit a  
16 forcible felony, shall be fined or imprisoned, or both,  
17 not to exceed the maximum provided for the most serious  
18 forcible felony so committed or attempted by the person  
19 under 18 years of age who was sold or given the firearm.

20 (9) Any person convicted of unlawful sale or delivery  
21 of firearms in violation of paragraph (d) of subsection  
22 (A) commits a Class 3 felony.

23 (10) Any person convicted of unlawful sale or delivery  
24 of firearms in violation of paragraph (l) of subsection  
25 (A) commits a Class 2 felony if the delivery is of one  
26 firearm. Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (1) of subsection  
2 (A) commits a Class 1 felony if the delivery is of not less  
3 than 2 and not more than 5 firearms at the same time or  
4 within a one-year period. Any person convicted of unlawful  
5 sale or delivery of firearms in violation of paragraph (1)  
6 of subsection (A) commits a Class X felony for which he or  
7 she shall be sentenced to a term of imprisonment of not  
8 less than 6 years and not more than 30 years if the  
9 delivery is of not less than 6 and not more than 10  
10 firearms at the same time or within a 2-year period. Any  
11 person convicted of unlawful sale or delivery of firearms  
12 in violation of paragraph (1) of subsection (A) commits a  
13 Class X felony for which he or she shall be sentenced to a  
14 term of imprisonment of not less than 6 years and not more  
15 than 40 years if the delivery is of not less than 11 and  
16 not more than 20 firearms at the same time or within a  
17 3-year period. Any person convicted of unlawful sale or  
18 delivery of firearms in violation of paragraph (1) of  
19 subsection (A) commits a Class X felony for which he or she  
20 shall be sentenced to a term of imprisonment of not less  
21 than 6 years and not more than 50 years if the delivery is  
22 of not less than 21 and not more than 30 firearms at the  
23 same time or within a 4-year period. Any person convicted  
24 of unlawful sale or delivery of firearms in violation of  
25 paragraph (1) of subsection (A) commits a Class X felony  
26 for which he or she shall be sentenced to a term of

1 imprisonment of not less than 6 years and not more than 60  
2 years if the delivery is of 31 or more firearms at the same  
3 time or within a 5-year period.

4 (11) Any person convicted of unlawful sale or delivery  
5 of firearms in violation of paragraph (m) of subsection  
6 (A) commits a Class A misdemeanor. A second or subsequent  
7 violation is a Class 4 felony.

8 (D) For purposes of this Section:

9 "School" means a public or private elementary or secondary  
10 school, community college, college, or university.

11 "School related activity" means any sporting, social,  
12 academic, or other activity for which students' attendance or  
13 participation is sponsored, organized, or funded in whole or  
14 in part by a school or school district.

15 (E) A prosecution for a violation of paragraph (k) of  
16 subsection (A) of this Section may be commenced within 6 years  
17 after the commission of the offense. A prosecution for a  
18 violation of this Section other than paragraph (g) of  
19 subsection (A) of this Section may be commenced within 5 years  
20 after the commission of the offense defined in the particular  
21 paragraph.

22 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
23 102-813, eff. 5-13-22.)

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

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

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

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

25 The balance of hardships is presumed to favor  
26 possession by petitioner unless the presumption is

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

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

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

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

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

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

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

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

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

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

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

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

23          If the respondent is charged with abuse (as defined in  
24          Section 112A-3 of this Code) of a minor child, there shall  
25          be a rebuttable presumption that awarding temporary  
26          significant decision-making responsibility to respondent

1 would not be in the child's best interest.

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

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

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

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

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

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

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

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

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

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

1           (i) petitioner, but not respondent, owns the  
2           property; or

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

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

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

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

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

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

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

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

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

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

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

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

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

1 subsection (a) (3) of Section 501 of that Act.

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

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

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

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

25 (B) Any firearms in the possession of the  
26 respondent, except as provided in subparagraph (C) of

1           this paragraph (14.5) and subject to the provisions of  
2           subparagraph (B-2), if applicable, shall be ordered by  
3           the court to be surrendered to law enforcement for  
4           safekeeping. Any firearms or firearm parts on the  
5           respondent's person or at the place of service shall  
6           be immediately surrendered to the serving officers at  
7           the time of service of the order of protection, and any  
8           other firearms or firearm parts shall be surrendered  
9           to 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 (C), shall also be ordered by the court  
14          to be turned over to serving officers at the time of  
15          service of the order of protection 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. The law enforcement agency shall immediately  
20          mail the card, as well as any license, to the Illinois  
21          State Police Firearm Owner's Identification Card  
22          Office for safekeeping.

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

1 Protection.

2 (i) If requested by law enforcement, the court  
3 shall issue a search warrant for the seizure of  
4 any firearms or firearm parts that could be  
5 assembled to make an operable firearm belonging to  
6 the respondent at or after entry of an order of  
7 protection if the court, based upon sworn  
8 testimony and governed by Sections 108-3 and  
9 108-4, finds probable cause exists that:

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

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

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

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

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

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

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

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

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

12 (B-2) Ex parte relief may be granted under this  
13 paragraph (14.5) only if the court finds that personal  
14 injury to the petitioner is likely to occur if the  
15 respondent received prior notice and if the petitioner  
16 has otherwise satisfied the requirements of Section  
17 112A-17.5 of this Article.

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

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

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

1 Order of Protection.

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

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

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

25                 (bb) the firearm and firearm parts that could  
26                 be assembled to make an operable firearm are not

1 otherwise unlawfully possessed by the owner.

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

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

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

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

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

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

26 (aa) the third party transferee affirms by

1 affidavit and to the open court that:

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

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

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

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

16 (V) the third party transferee is aware  
17 that transferring the firearms or firearm  
18 parts or allowing the respondent access to the  
19 firearms or firearm parts would be a violation  
20 of Section 24-3 of the Criminal Code of 2012  
21 ~~will be subject to criminal penalties for~~  
22 ~~transferring the firearms or firearm parts to~~  
23 ~~the respondent;~~ and

24 (bb) the court finds that:

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

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

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

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

21                  (17) Order for injunctive relief. Enter injunctive  
22                  relief necessary or appropriate to prevent further abuse  
23                  of a family or household member or to effectuate one of the  
24                  granted remedies, if supported by the balance of  
25                  hardships. If the harm to be prevented by the injunction  
26                  is abuse or any other harm that one of the remedies listed

1 in paragraphs (1) through (16) of this subsection is  
2 designed to prevent, no further evidence is necessary to  
3 establish that the harm is an irreparable injury.

4 (18) Telephone services.

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

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

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

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

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

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

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

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

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

25                   (C) The petitioner assumes all financial  
26 responsibility for and right to the use of any

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

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

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

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

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

1 Court Clerks on the manner in which this information  
2 is provided and displayed.

3 (c) Relevant factors; findings.

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

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

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

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

25 (i) availability, accessibility, cost, safety,  
26 adequacy, location, and other characteristics of

1           alternate housing for each party and any minor child  
2           or dependent adult in the party's care;

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

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

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

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

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

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

20           (4) (Blank).

21           (5) Never married parties. No rights or  
22          responsibilities for a minor child born outside of  
23          marriage attach to a putative father until a father and  
24          child relationship has been established under the Illinois  
25          Parentage Act of 1984, the Illinois Parentage Act of 2015,  
26          the Illinois Public Aid Code, Section 12 of the Vital

1 Records Act, the Juvenile Court Act of 1987, the Probate  
2 Act of 1975, the Uniform Interstate Family Support Act,  
3 the Expedited Child Support Act of 1990, any judicial,  
4 administrative, or other act of another state or  
5 territory, any other statute of this State, or by any  
6 foreign nation establishing the father and child  
7 relationship, any other proceeding substantially in  
8 conformity with the federal Personal Responsibility and  
9 Work Opportunity Reconciliation Act of 1996, or when both  
10 parties appeared in open court or at an administrative  
11 hearing acknowledging under oath or admitting by  
12 affirmation the existence of a father and child  
13 relationship. Absent such an adjudication, no putative  
14 father shall be granted temporary allocation of parental  
15 responsibilities, including parenting time with the minor  
16 child, or physical care and possession of the minor child,  
17 nor shall an order of payment for support of the minor  
18 child be entered.

19 (d) Balance of hardships; findings. If the court finds  
20 that the balance of hardships does not support the granting of  
21 a remedy governed by paragraph (2), (3), (10), (11), or (16) of  
22 subsection (b) of this Section, which may require such  
23 balancing, the court's findings shall so indicate and shall  
24 include a finding as to whether granting the remedy will  
25 result in hardship to respondent that would substantially  
26 outweigh the hardship to petitioner from denial of the remedy.

1 The findings shall be an official record or in writing.

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

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

7 (2) respondent was voluntarily intoxicated;

8 (3) petitioner acted in self-defense or defense of  
9 another, provided that, if petitioner utilized force, such  
10 force was justifiable under Article 7 of the Criminal Code  
11 of 2012;

12 (4) petitioner did not act in self-defense or defense  
13 of another;

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

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

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

22 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
23 102-813, eff. 5-13-22; 103-1065, eff. 5-11-25.)

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

1 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

2 Sec. 214. Order of protection; remedies.

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

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

25 (1) Prohibition of abuse, neglect, or exploitation.

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

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

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

1 (B) shall not preclude equitable relief.

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

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

1 of excluding respondent from a mutual residence or  
2 household.

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

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

25 (B) When the petitioner and the respondent attend  
26 the same public, private, or non-public elementary,

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

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

25 (C) The court may order the parents, guardian, or  
26 legal custodian of a minor respondent to take certain

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 If petitioner's sole claim to ownership of the  
25 property is that it is marital property, the court may  
26 award petitioner temporary possession thereof under the

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

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

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

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

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

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

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

26 (11.5) Protection of animals. Grant the petitioner the

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

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

26 (13) Order for payment of losses. Order respondent to

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

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

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

25 (14) Prohibition of entry. Prohibit the respondent  
26 from entering or remaining in the residence or household

1 while the respondent is under the influence of alcohol or  
2 drugs and constitutes a threat to the safety and  
3 well-being of the petitioner or the petitioner's children.

4 (14.5) Prohibition of possession of firearms and  
5 firearm parts; search and seizure of firearms and firearms  
6 parts.

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

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

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

25 (cc) includes a finding that such person  
26 represents a credible threat to the physical

1 safety of a petitioner ~~such intimate partner or~~  
2 ~~child.~~

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

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

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

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

11 (bb) probable cause exists to believe that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (viii) If the court, after determining a search  
2 warrant should issue, finds that the petitioner has  
3 made a credible report of domestic violence to the  
4 local law enforcement agency within the previous 90  
5 days, law enforcement shall execute the warrant no  
6 later than 96 hours after receipt of the warrant. If  
7 the court finds that petitioner has not made such a  
8 report, the law enforcement agency to which the court  
9 has directed the warrant shall, within 48 hours of  
10 receipt, evaluate the warrant and seek any corrections  
11 to the warrant, and, if applicable, add to or negate  
12 the warrant. If the law enforcement agency seeks to  
13 negate the warrant, it shall take reasonable steps to  
14 notify the petitioner before appearing before the  
15 court. The record shall reflect the court's findings  
16 in determining whether to correct, add, or negate the  
17 warrant. If a change is made regarding the search  
18 warrant, law enforcement shall execute the warrant no  
19 later than 96 hours after the correction is issued.  
20 The law enforcement agency shall notify the petitioner  
21 of any changes to the warrant or if the warrant has  
22 been negated. The law enforcement agency to which the  
23 court has directed the warrant may coordinate with  
24 other law enforcement agencies to execute the warrant.  
25 A return of the warrant shall be filed by the law  
26 enforcement agency within 24 hours of execution,

1 setting forth the time, date, and location where the  
2 warrant was executed and what items, if any, were  
3 seized. If the court is not in session, the return  
4 information shall be returned on the next date the  
5 court is in session. Subject to the provisions of this  
6 Section, peace officers shall have the same authority  
7 to execute a warrant issued pursuant to this  
8 subsection as a warrant issued under Article 108 of  
9 the Code of Criminal Procedure of 1963.

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

15 (x) Upon petition by the appropriate law  
16 enforcement agency, the court may modify the search  
17 warrant or extend the time to execute the search  
18 warrant for a period of no more than 96 hours. If the  
19 court is not in session, the law enforcement agency  
20 may seek an extension and, if needed, modification on  
21 the next day the court is in session. Any extension  
22 granted under this paragraph shall run from the end of  
23 the initial period to execute the warrant or the entry  
24 of the extending order, whichever is later. In  
25 determining whether to modify or extend the warrant,  
26 the court shall consider:

1 (aa) any increased risk to the petitioner's  
2 safety that may result from a modification or  
3 extension of the warrant;

4 (bb) any unnecessary risk to law enforcement  
5 that would be mitigated by a modification or  
6 extension of the warrant;

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

10 (dd) the likelihood of successful execution of  
11 warrant.

12 The record shall reflect the court's findings in  
13 determining whether to extend or modify the warrant.  
14 If seeking an extension of time to execute the  
15 warrant, the law enforcement agency shall take  
16 reasonable steps to notify the petitioner prior to  
17 appearing before the court. The law enforcement agency  
18 shall notify the petitioner of any modification or  
19 extension of the warrant.

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

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

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

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

26 (ii) It is the respondent's responsibility to

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

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

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

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

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

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

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

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

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

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

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

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

1 petitioner and the third party must appear at the  
2 hearing.

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

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

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

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

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

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

21 (V) the third party transferee is aware  
22 that transferring the firearms or firearm  
23 parts or allowing the respondent access to the  
24 firearms or firearm parts would be a violation  
25 of Section 24-3 of the Criminal Code of 2012  
26 will be subject to criminal penalties for

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

3 (bb) the court finds that:

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

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

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

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

26 (17) Order for injunctive relief. Enter injunctive

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

10 (18) Telephone services.

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

1 provided to the Illinois Commerce Commission. The  
2 order shall contain all of the following:

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

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

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

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

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

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

25 (iii) The transfer would cause a geographic or  
26 other limitation on network or service provision

1 to the petitioner.

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

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

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

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

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

1 Commission within 30 days of such change.

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

9 (c) Relevant factors; findings.

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

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

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

1            caretaker.

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

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

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

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

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

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

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

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

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

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

16           (5) Never married parties. No rights or  
17 responsibilities for a minor child born outside of  
18 marriage attach to a putative father until a father and  
19 child relationship has been established under the Illinois  
20 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
21 the Illinois Public Aid Code, Section 12 of the Vital  
22 Records Act, the Juvenile Court Act of 1987, the Probate  
23 Act of 1975, the Revised Uniform Reciprocal Enforcement of  
24 Support Act, the Uniform Interstate Family Support Act,  
25 the Expedited Child Support Act of 1990, any judicial,  
26 administrative, or other act of another state or

1 territory, any other Illinois statute, or by any foreign  
2 nation establishing the father and child relationship, any  
3 other proceeding substantially in conformity with the  
4 Personal Responsibility and Work Opportunity  
5 Reconciliation Act of 1996 (Pub. L. 104-193), or where  
6 both parties appeared in open court or at an  
7 administrative hearing acknowledging under oath or  
8 admitting by affirmation the existence of a father and  
9 child relationship. Absent such an adjudication, finding,  
10 or acknowledgment, no putative father shall be granted  
11 temporary allocation of parental responsibilities,  
12 including parenting time with the minor child, or physical  
13 care and possession of the minor child, nor shall an order  
14 of payment for support of the minor child be entered.

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

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

26 (1) Respondent has cause for any use of force, unless

1           that cause satisfies the standards for justifiable use of  
2           force provided by Article 7 of the Criminal Code of 2012;

3           (2) Respondent was voluntarily intoxicated;

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

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

10          (5) Petitioner left the residence or household to  
11          avoid further abuse, neglect, or exploitation by  
12          respondent;

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

16          (7) Conduct by any family or household member excused  
17          the abuse, neglect, or exploitation by respondent, unless  
18          that same conduct would have excused such abuse, neglect,  
19          or exploitation if the parties had not been family or  
20          household members.

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