

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.)