

1 AN ACT concerning safety.

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

4 Section 1. References to Act. This Act may be referred to
5 as Karina's Law.

6 Section 5. The Code of Criminal Procedure of 1963 is
7 amended by changing Section 112A-14 as follows:

8 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

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

11 (a) (Blank).

12 (b) The court may order any of the remedies listed in this
13 subsection (b). The remedies listed in this subsection (b)
14 shall be in addition to other civil or criminal remedies
15 available to petitioner.

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

22 (2) Grant of exclusive possession of residence.

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

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

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

1 the risk of abuse (should petitioner remain at the
2 residence or household) or from loss of possession of
3 the residence or household (should petitioner leave to
4 avoid the risk of abuse). When determining the balance
5 of hardships, the court shall also take into account
6 the accessibility of the residence or household.
7 Hardships need not be balanced if respondent does not
8 have a right to occupancy.

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

20 (3) Stay away order and additional prohibitions. Order
21 respondent to stay away from petitioner or any other
22 person protected by the domestic violence order of
23 protection, or prohibit respondent from entering or
24 remaining present at petitioner's school, place of
25 employment, or other specified places at times when
26 petitioner is present, or both, if reasonable, given the

1 balance of hardships. Hardships need not be balanced for
2 the court to enter a stay away order or prohibit entry if
3 respondent has no right to enter the premises.

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

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

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

1 When a court orders a respondent to stay away from the
2 public, private, or non-public school attended by the
3 petitioner and the respondent requests a transfer to
4 another attendance center within the respondent's
5 school district or private or non-public school, the
6 school district or private or non-public school shall
7 have sole discretion to determine the attendance
8 center to which the respondent is transferred. If the
9 court order results in a transfer of the minor
10 respondent to another attendance center, a change in
11 the respondent's placement, or a change of the
12 respondent's program, the parents, guardian, or legal
13 custodian of the respondent is responsible for
14 transportation and other costs associated with the
15 transfer or change.

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

25 (4) Counseling. Require or recommend the respondent to
26 undergo counseling for a specified duration with a social

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

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

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

26 (6) Temporary allocation of parental responsibilities

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

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

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

19 (i) abuse or endanger the minor child during
20 parenting time;

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

24 (iii) improperly conceal or detain the minor
25 child; or

26 (iv) otherwise act in a manner that is not in the

1 best interests of the minor child.

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

24 (8) Removal or concealment of minor child. Prohibit
25 respondent from removing a minor child from the State or
26 concealing the child within the State.

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

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

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

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

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

25 No order under this provision shall affect title to
26 property.

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

6 (i) petitioner, but not respondent, owns the
7 property; or

8 (ii) the petitioner and respondent own the
9 property jointly, and the balance of hardships favors
10 granting this remedy.

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

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

21 (11.5) Protection of animals. Grant the petitioner the
22 exclusive care, custody, or control of any animal owned,
23 possessed, leased, kept, or held by either the petitioner
24 or the respondent or a minor child residing in the
25 residence or household of either the petitioner or the
26 respondent and order the respondent to stay away from the

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

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

21 (13) Order for payment of losses. Order respondent to
22 pay petitioner for losses suffered as a direct result of
23 the abuse. Such losses shall include, but not be limited
24 to, medical expenses, lost earnings or other support,
25 repair or replacement of property damaged or taken,
26 reasonable attorney's fees, court costs, and moving or

1 other travel expenses, including additional reasonable
2 expenses for temporary shelter and restaurant meals.

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

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

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

24 (14.5) Prohibition of possession of firearms and
25 firearm parts; search and seizure of firearms and firearm
26 parts ~~firearm possession~~.

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

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

1 protection or, if not on the respondent's person or at
2 the location where the respondent is served at the
3 time of service, to local law enforcement within 24
4 hours of service of the order. The law enforcement
5 agency shall immediately mail the card, as well as any
6 license, to the Illinois State Police Firearm Owner's
7 Identification Card Office for safekeeping. ~~The court~~
8 ~~shall issue an order that the respondent comply with~~
9 ~~Section 9.5 of the Firearm Owners Identification Card~~
10 ~~Act.~~

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

16 (i) If requested by law enforcement, the court
17 shall issue a search warrant for the seizure of
18 any firearms or firearm parts that could be
19 assembled to make an operable firearm belonging to
20 the respondent at or after entry of an order of
21 protection if the court, based upon sworn
22 testimony and governed by Sections 108-3 and
23 108-4, finds probable cause exists that:

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

1 protection;

2 (bb) the respondent possesses firearms or
3 firearm parts that could be assembled to make
4 an operable firearm; and

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

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

20 (iii) The law enforcement agency to which the
21 court has directed the warrant shall execute the
22 warrant no later than 96 hours after issuance. The
23 law enforcement agency to which the court has
24 directed the warrant may coordinate with other law
25 enforcement agencies to execute the warrant. A
26 return of the warrant shall be filed by the law

1 enforcement agency within 24 hours of execution,
2 setting forth the time, date, and location where
3 the warrant was executed and what items, if any,
4 were seized. If the court is not in session, the
5 return information shall be returned on the next
6 date the court is in session. Subject to the
7 provisions of this Section, peace officers shall
8 have the same authority to execute a warrant
9 issued under this subsection as a warrant issued
10 under Article 108.

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

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

26 (B-2) Ex parte relief may be granted under this

1 paragraph (14.5) only if the court finds that personal
2 injury to the petitioner is likely to occur if the
3 respondent received prior notice and if the petitioner
4 has otherwise satisfied the requirements of Section
5 112A-17.5 of this Article.

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

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

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

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

16 (iii) At the end of the order of protection, a
17 respondent may request the return of any seized or
18 surrendered firearms or firearm parts that could be
19 assembled to make an operable firearm. Seized or
20 surrendered firearms or firearm parts shall be
21 returned within 14 days of the request to the
22 respondent, if the respondent is lawfully eligible to
23 possess firearms, or to a designated third party who
24 is lawfully eligible to possess firearms. If ~~Upon~~
25 ~~expiration of the period of safekeeping, if the~~
26 firearms or firearm parts ~~or Firearm Owner's~~

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

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

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

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

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

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

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

26 (bb) shall not transfer the firearm and

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

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

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

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

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

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

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

25 (III) the third party transferee will not
26 transfer the firearm or firearm parts to the

1 respondent or anyone who resides with the
2 respondent;

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

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

11 (bb) the court finds that:

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

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

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

1 school or any other records of the minor child who is in
2 the care of petitioner.

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

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

17 (18) Telephone services.

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

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

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

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

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

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

1 (i) The account holder named in the order has
2 terminated the account.

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

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

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

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

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

24 (E) Except for willful or wanton misconduct, a
25 wireless telephone service provider is immune from
26 civil liability for its actions taken in compliance

1 with a court order issued under this paragraph.

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

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

16 (c) Relevant factors; findings.

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

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

1 any member of petitioner's or respondent's family or
2 household; and

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

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

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

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

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

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

24 (i) That the court has considered the applicable
25 relevant factors described in paragraphs (1) and (2)
26 of this subsection (c).

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

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

7 (4) (Blank).

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

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

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

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

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

20 (2) respondent was voluntarily intoxicated;

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

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

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

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

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

9 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
10 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

11 Section 10. The Illinois Domestic Violence Act of 1986 is
12 amended by changing Sections 214, 222, and 305 as follows:

13 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

14 Sec. 214. Order of protection; remedies.

15 (a) Issuance of order. If the court finds that petitioner
16 has been abused by a family or household member or that
17 petitioner is a high-risk adult who has been abused,
18 neglected, or exploited, as defined in this Act, an order of
19 protection prohibiting the abuse, neglect, or exploitation
20 shall issue; provided that petitioner must also satisfy the
21 requirements of one of the following Sections, as appropriate:
22 Section 217 on emergency orders, Section 218 on interim
23 orders, or Section 219 on plenary orders. Petitioner shall not
24 be denied an order of protection because petitioner or

1 respondent is a minor. The court, when determining whether or
2 not to issue an order of protection, shall not require
3 physical manifestations of abuse on the person of the victim.
4 Modification and extension of prior orders of protection shall
5 be in accordance with this Act.

6 (b) Remedies and standards. The remedies to be included in
7 an order of protection shall be determined in accordance with
8 this Section and one of the following Sections, as
9 appropriate: Section 217 on emergency orders, Section 218 on
10 interim orders, and Section 219 on plenary orders. The
11 remedies listed in this subsection shall be in addition to
12 other civil or criminal remedies available to petitioner.

13 (1) Prohibition of abuse, neglect, or exploitation.
14 Prohibit respondent's harassment, interference with
15 personal liberty, intimidation of a dependent, physical
16 abuse, or willful deprivation, neglect or exploitation, as
17 defined in this Act, or stalking of the petitioner, as
18 defined in Section 12-7.3 of the Criminal Code of 2012, if
19 such abuse, neglect, exploitation, or stalking has
20 occurred or otherwise appears likely to occur if not
21 prohibited.

22 (2) Grant of exclusive possession of residence.
23 Prohibit respondent from entering or remaining in any
24 residence, household, or premises of the petitioner,
25 including one owned or leased by respondent, if petitioner
26 has a right to occupancy thereof. The grant of exclusive

1 possession of the residence, household, or premises shall
2 not affect title to real property, nor shall the court be
3 limited by the standard set forth in subsection (c-2) of
4 Section 501 of the Illinois Marriage and Dissolution of
5 Marriage Act.

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

15 (B) Presumption of hardships. If petitioner and
16 respondent each has the right to occupancy of a
17 residence or household, the court shall balance (i)
18 the hardships to respondent and any minor child or
19 dependent adult in respondent's care resulting from
20 entry of this remedy with (ii) the hardships to
21 petitioner and any minor child or dependent adult in
22 petitioner's care resulting from continued exposure to
23 the risk of abuse (should petitioner remain at the
24 residence or household) or from loss of possession of
25 the residence or household (should petitioner leave to
26 avoid the risk of abuse). When determining the balance

1 of hardships, the court shall also take into account
2 the accessibility of the residence or household.
3 Hardships need not be balanced if respondent does not
4 have a right to occupancy.

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

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

26 (A) If an order of protection grants petitioner

1 exclusive possession of the residence, or prohibits
2 respondent from entering the residence, or orders
3 respondent to stay away from petitioner or other
4 protected persons, then the court may allow respondent
5 access to the residence to remove items of clothing
6 and personal adornment used exclusively by respondent,
7 medications, and other items as the court directs. The
8 right to access shall be exercised on only one
9 occasion as the court directs and in the presence of an
10 agreed-upon adult third party or law enforcement
11 officer.

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

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

1 school district or private or non-public school, the
2 school district or private or non-public school shall
3 have sole discretion to determine the attendance
4 center to which the respondent is transferred. In the
5 event the court order results in a transfer of the
6 minor respondent to another attendance center, a
7 change in the respondent's placement, or a change of
8 the respondent's program, the parents, guardian, or
9 legal custodian of the respondent is responsible for
10 transportation and other costs associated with the
11 transfer or change.

12 (C) The court may order the parents, guardian, or
13 legal custodian of a minor respondent to take certain
14 actions or to refrain from taking certain actions to
15 ensure that the respondent complies with the order. In
16 the event the court orders a transfer of the
17 respondent to another school, the parents, guardian,
18 or legal custodian of the respondent is responsible
19 for transportation and other costs associated with the
20 change of school by the respondent.

21 (4) Counseling. Require or recommend the respondent to
22 undergo counseling for a specified duration with a social
23 worker, psychologist, clinical psychologist,
24 psychiatrist, family service agency, alcohol or substance
25 abuse program, mental health center guidance counselor,
26 agency providing services to elders, program designed for

1 domestic violence abusers or any other guidance service
2 the court deems appropriate. The Court may order the
3 respondent in any intimate partner relationship to report
4 to an Illinois Department of Human Services protocol
5 approved partner abuse intervention program for an
6 assessment and to follow all recommended treatment.

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

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

22 (6) Temporary allocation of parental responsibilities:
23 significant decision-making. Award temporary
24 decision-making responsibility to petitioner in accordance
25 with this Section, the Illinois Marriage and Dissolution
26 of Marriage Act, the Illinois Parentage Act of 2015, and

1 this State's Uniform Child-Custody Jurisdiction and
2 Enforcement Act.

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

9 (7) Parenting time. Determine the parenting time, if
10 any, of respondent in any case in which the court awards
11 physical care or allocates temporary significant
12 decision-making responsibility of a minor child to
13 petitioner. The court shall restrict or deny respondent's
14 parenting time with a minor child if the court finds that
15 respondent has done or is likely to do any of the
16 following: (i) abuse or endanger the minor child during
17 parenting time; (ii) use the parenting time as an
18 opportunity to abuse or harass petitioner or petitioner's
19 family or household members; (iii) improperly conceal or
20 detain the minor child; or (iv) otherwise act in a manner
21 that is not in the best interests of the minor child. The
22 court shall not be limited by the standards set forth in
23 Section 603.10 of the Illinois Marriage and Dissolution of
24 Marriage Act. If the court grants parenting time, the
25 order shall specify dates and times for the parenting time
26 to take place or other specific parameters or conditions

1 that are appropriate. No order for parenting time shall
2 refer merely to the term "reasonable parenting time".

3 Petitioner may deny respondent access to the minor
4 child if, when respondent arrives for parenting time,
5 respondent is under the influence of drugs or alcohol and
6 constitutes a threat to the safety and well-being of
7 petitioner or petitioner's minor children or is behaving
8 in a violent or abusive manner.

9 If necessary to protect any member of petitioner's
10 family or household from future abuse, respondent shall be
11 prohibited from coming to petitioner's residence to meet
12 the minor child for parenting time, and the parties shall
13 submit to the court their recommendations for reasonable
14 alternative arrangements for parenting time. A person may
15 be approved to supervise parenting time only after filing
16 an affidavit accepting that responsibility and
17 acknowledging accountability to the court.

18 (8) Removal or concealment of minor child. Prohibit
19 respondent from removing a minor child from the State or
20 concealing the child within the State.

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

1 (10) Possession of personal property. Grant petitioner
2 exclusive possession of personal property and, if
3 respondent has possession or control, direct respondent to
4 promptly make it available to petitioner, if:

5 (i) petitioner, but not respondent, owns the
6 property; or

7 (ii) the parties own the property jointly; sharing
8 it would risk abuse of petitioner by respondent or is
9 impracticable; and the balance of hardships favors
10 temporary possession by petitioner.

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

18 No order under this provision shall affect title to
19 property.

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

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

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

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

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

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

22 (12) Order for payment of support. Order respondent to
23 pay temporary support for the petitioner or any child in
24 the petitioner's care or over whom the petitioner has been
25 allocated parental responsibility, when the respondent has
26 a legal obligation to support that person, in accordance

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

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

22 (i) Losses affecting family needs. If a party is
23 entitled to seek maintenance, child support or
24 property distribution from the other party under the
25 Illinois Marriage and Dissolution of Marriage Act, as
26 now or hereafter amended, the court may order

1 respondent to reimburse petitioner's actual losses, to
2 the extent that such reimbursement would be
3 "appropriate temporary relief", as authorized by
4 subsection (a) (3) of Section 501 of that Act.

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

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

17 (14.5) Prohibition of possession of firearms and
18 firearm parts; search and seizure of firearms and firearms
19 parts ~~firearm possession.~~

20 (Aa) (i) Prohibit a respondent against whom an
21 emergency, interim, or plenary order of protection was
22 issued from possessing, during the duration of the
23 order, any firearms or firearm parts that could be
24 assembled into an operable firearm ~~during the duration~~
25 ~~of the order~~ if a search warrant is issued under (A-1)
26 or the order:

1 ~~(aa1)~~ was issued after a hearing of which such
2 person received actual notice, and at which such
3 person had an opportunity to participate, or the
4 petitioner has satisfied the requirements of
5 Section 217;

6 ~~(bb2)~~ restrains such person from using
7 physical force; harassing, stalking, or
8 threatening an intimate partner of such person or
9 child of such intimate partner or person; ~~or~~ or
10 engaging in other conduct that would place an
11 intimate partner in reasonable fear of bodily
12 injury to the partner or child; and

13 ~~(cc3)(i)~~ includes a finding that such person
14 represents a credible threat to the physical
15 safety of such intimate partner or child; ~~or (ii)~~
16 ~~by its terms explicitly prohibits the use,~~
17 ~~attempted use, or threatened use of physical force~~
18 ~~against such intimate partner or child that would~~
19 ~~reasonably be expected to cause bodily injury.~~

20 (ii) The court shall order any respondent
21 prohibited from possessing firearms under item (i) of
22 subparagraph (A) to surrender any firearms or firearm
23 parts that could be assembled to make an operable
24 firearm. Any firearms or firearm parts on the
25 respondent's person or at the place of service shall
26 be surrendered to the serving officers at the time of

1 service of the order of protection, and any other
2 firearms or firearm parts shall be surrendered to
3 local law enforcement within 24 hours of service of
4 the order of protection. Any Firearm Owner's
5 Identification Card or Concealed Carry License in the
6 possession of the respondent, except as provided in
7 subparagraph (B) ~~subsection (b)~~, shall also be ordered
8 by the court to be turned over to the officer serving
9 the order of protection at the time of service or, if
10 not on the respondent's person or at the location
11 where the respondent is served at the time of service,
12 to local law enforcement within 24 hours of service of
13 the order of protection agency. The ~~local~~ law
14 enforcement agency shall immediately mail the card, as
15 well as any license, to the Illinois State Police
16 Firearm Owner's Identification Card Office for
17 safekeeping. ~~The court shall issue a warrant for~~
18 ~~seizure of any firearm in the possession of the~~
19 ~~respondent, to be kept by the local law enforcement~~
20 ~~agency for safekeeping, except as provided in~~
21 ~~subsection (b).~~ The period of safekeeping shall be for
22 ~~the duration of the order of protection. The firearm~~
23 ~~or firearms and Firearm Owner's Identification Card,~~
24 ~~if unexpired, shall at the respondent's request, be~~
25 ~~returned to the respondent at the end of the order of~~
26 ~~protection. It is the respondent's responsibility to~~

1 ~~notify the Illinois State Police Firearm Owner's~~
2 ~~Identification Card Office.~~

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

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

14 (bb) probable cause exists to believe that:

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

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

23 (III) the credible threat to the physical
24 safety of the petitioner protected by the
25 order of protection is immediate and present.

26 The record shall reflect the court's findings in

1 determining whether the search warrant shall be
2 issued.

3 (ii) If the petitioner does not seek a warrant
4 under this subparagraph (A-1) or the court determines
5 that the requirements of this subparagraph (A-1) have
6 not been met, relief under subparagraph (A) alone may
7 be granted.

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

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

13 (bb) personal injury to the petitioner is
14 likely to occur if the respondent received prior
15 notice; and

16 (cc) the petitioner has otherwise satisfied
17 the requirements of Section 217 of this Act.

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

20 (v) A search warrant issued under this
21 subparagraph (A-1) shall be directed by the court for
22 enforcement to the law enforcement agency with primary
23 responsibility for responding to calls for service at
24 the location to be searched or to another appropriate
25 law enforcement agency if justified by the
26 circumstances. The search warrant shall specify with

1 particularity the scope of the search, including the
2 property to be searched, and shall direct the law
3 enforcement agency to seize the respondent's firearms
4 and firearm parts that could be assembled to make an
5 operable firearm. Law enforcement shall also be
6 directed to seize any Firearm Owner's Identification
7 Card and any Concealed Carry License belonging to the
8 respondent.

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

13 (aa) contact information for the petitioner,
14 the petitioner's attorney, or both, including a
15 telephone number and email, if available;

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

20 (cc) days and times that the respondent is
21 likely to be at the property to be searched, if
22 known; and

23 (dd) whether people other than the respondent
24 are likely to be present at the property to be
25 searched and when, if known.

26 (vii) The information sheet shall be transmitted

1 to the law enforcement agency to which the search
2 warrant is directed in the same manner as the warrant
3 is transmitted under Section 222 of this Act.

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

1 execution, setting forth the time, date, and location
2 where the warrant was executed and what items, if any,
3 were 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. In
19 determining whether to modify or extend the warrant,
20 the court shall consider:

21 (aa) any increased risk to the petitioner's
22 safety that may result from a modification or
23 extension of the warrant;

24 (bb) any unnecessary risk to law enforcement
25 that would be mitigated by a modification or
26 extension of the warrant;

1 (cc) any risks to third parties at the
2 location to be searched that would be mitigated by
3 a modification or extension of the warrant; and
4 (dd) the likelihood of successful execution of
5 warrant.

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

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

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

22 (C~~e~~) (i) Any firearms or firearm parts that could
23 be assembled to make an operable firearm shall be kept
24 by the law enforcement agency that took possession of
25 the items for safekeeping, except as provided in
26 subparagraph (B). The period of safekeeping shall be

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

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

22 (iii) At the end of the order of protection, a
23 respondent may request the return of any seized or
24 surrendered firearms or firearm parts that could be
25 assembled to make an operable firearm. Such firearms
26 or firearm parts shall be returned within 14 days of

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

25 (D) (i) If a person other than the respondent
26 claims title to any firearms and firearm parts that

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

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

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

26 (ii) The person petitioning for the return of his

1 or her firearm and firearm parts that could be
2 assembled to make an operable firearm must swear or
3 affirm by affidavit that he or she:

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

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

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

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

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

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

26 (I) the third party transferee does not

1 reside with the respondent;

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

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

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

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

18 (bb) the court finds that:

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

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

26 (15) Prohibition of access to records. If an order of

1 protection prohibits respondent from having contact with
2 the minor child, or if petitioner's address is omitted
3 under subsection (b) of Section 203, or if necessary to
4 prevent abuse or wrongful removal or concealment of a
5 minor child, the order shall deny respondent access to,
6 and prohibit respondent from inspecting, obtaining, or
7 attempting to inspect or obtain, school or any other
8 records of the minor child who is in the care of
9 petitioner.

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

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

25 (18) Telephone services.

26 (A) Unless a condition described in subparagraph

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

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

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

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

1 transferred under this paragraph.

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

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

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

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

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

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

26 (D) A wireless telephone service provider may

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

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

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

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

24 (c) Relevant factors; findings.

25 (1) In determining whether to grant a specific remedy,
26 other than payment of support, the court shall consider

1 relevant factors, including but not limited to the
2 following:

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

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

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

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

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

26 (iii) the effect on the relationship of the party,

1 and any minor child or dependent adult in the party's
2 care, to family, school, church and community.

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

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

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

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

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

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

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

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

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

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

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

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

18 (2) Respondent was voluntarily intoxicated;

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

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

25 (5) Petitioner left the residence or household to
26 avoid further abuse, neglect, or exploitation by

1 respondent;

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

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

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

11 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

12 Sec. 222. Notice of orders.

13 (a) Entry and issuance. Upon issuance of any order of
14 protection, the clerk shall immediately (i) enter the order on
15 the record and file it in accordance with the circuit court
16 procedures and (ii) provide a file stamped copy of the order to
17 respondent, if present, and to petitioner.

18 (b) Filing with sheriff or other law enforcement
19 officials. The clerk of the issuing judge shall, or the
20 petitioner may, on the same day that an order of protection is
21 issued, file a certified copy of that order with the sheriff or
22 other law enforcement officials charged with maintaining
23 Illinois State Police records or charged with serving the
24 order upon respondent or executing any search warrant issued
25 under paragraph (14.5) of subsection (b) of Section 214 of

1 this Act. If a search warrant is issued under paragraph (14.5)
2 of subsection (b) of Section 214 of this Act, the clerk of the
3 issuing judge shall, or the petitioner may, on the same day
4 that the warrant is issued, transmit the warrant to the law
5 enforcement agency to which the warrant is directed. If the
6 respondent, at the time of the issuance of the order, is
7 committed to the custody of the Illinois Department of
8 Corrections or Illinois Department of Juvenile Justice or is
9 on parole, aftercare release, or mandatory supervised release,
10 the sheriff or other law enforcement officials charged with
11 maintaining Illinois State Police records shall notify the
12 Department of Corrections or Department of Juvenile Justice
13 within 48 hours of receipt of a copy of the order of protection
14 from the clerk of the issuing judge or the petitioner. Such
15 notice shall include the name of the respondent, the
16 respondent's IDOC inmate number or IDJJ youth identification
17 number, the respondent's date of birth, and the LEADS Record
18 Index Number.

19 (c) Service by sheriff. Unless respondent was present in
20 court when the order was issued, the sheriff, other law
21 enforcement official or special process server shall promptly
22 serve that order upon respondent and file proof of such
23 service, in the manner provided for service of process in
24 civil proceedings. Instead of serving the order upon the
25 respondent, however, the sheriff, other law enforcement
26 official, special process server, or other persons defined in

1 Section 222.10 may serve the respondent with a short form
2 notification as provided in Section 222.10. If process has not
3 yet been served upon the respondent, it shall be served with
4 the order or short form notification if such service is made by
5 the sheriff, other law enforcement official, or special
6 process server. A single fee may be charged for service of an
7 order obtained in civil court, or for service of such an order
8 together with process, unless waived or deferred under Section
9 210.

10 (c-5) If the person against whom the order of protection
11 is issued is arrested and the written order is issued in
12 accordance with subsection (c) of Section 217 and received by
13 the custodial law enforcement agency before the respondent or
14 arrestee is released from custody, the custodial law
15 enforcement agent shall promptly serve the order upon the
16 respondent or arrestee before the respondent or arrestee is
17 released from custody. In no event shall detention of the
18 respondent or arrestee be extended for hearing on the petition
19 for order of protection or receipt of the order issued under
20 Section 217 of this Act.

21 (d) Extensions, modifications and revocations. Any order
22 extending, modifying or revoking any order of protection shall
23 be promptly recorded, issued and served as provided in this
24 Section.

25 (e) Notice to schools. Upon the request of the petitioner,
26 within 24 hours of the issuance of an order of protection, the

1 clerk of the issuing judge shall send a certified copy of the
2 order of protection to the day-care facility, pre-school or
3 pre-kindergarten, or private school or the principal office of
4 the public school district or any college or university in
5 which any child who is a protected person under the order of
6 protection or any child of the petitioner is enrolled as
7 requested by the petitioner at the mailing address provided by
8 the petitioner. If the child transfers enrollment to another
9 day-care facility, pre-school, pre-kindergarten, private
10 school, public school, college, or university, the petitioner
11 may, within 24 hours of the transfer, send to the clerk written
12 notice of the transfer, including the name and address of the
13 institution to which the child is transferring. Within 24
14 hours of receipt of notice from the petitioner that a child is
15 transferring to another day-care facility, pre-school,
16 pre-kindergarten, private school, public school, college, or
17 university, the clerk shall send a certified copy of the order
18 to the institution to which the child is transferring.

19 (f) Disclosure by schools. After receiving a certified
20 copy of an order of protection that prohibits a respondent's
21 access to records, neither a day-care facility, pre-school,
22 pre-kindergarten, public or private school, college, or
23 university nor its employees shall allow a respondent access
24 to a protected child's records or release information in those
25 records to the respondent. The school shall file the copy of
26 the order of protection in the records of a child who is a

1 protected person under the order of protection. When a child
2 who is a protected person under the order of protection
3 transfers to another day-care facility, pre-school,
4 pre-kindergarten, public or private school, college, or
5 university, the institution from which the child is
6 transferring may, at the request of the petitioner, provide,
7 within 24 hours of the transfer, written notice of the order of
8 protection, along with a certified copy of the order, to the
9 institution to which the child is transferring.

10 (g) Notice to health care facilities and health care
11 practitioners. Upon the request of the petitioner, the clerk
12 of the circuit court shall send a certified copy of the order
13 of protection to any specified health care facility or health
14 care practitioner requested by the petitioner at the mailing
15 address provided by the petitioner.

16 (h) Disclosure by health care facilities and health care
17 practitioners. After receiving a certified copy of an order of
18 protection that prohibits a respondent's access to records, no
19 health care facility or health care practitioner shall allow a
20 respondent access to the records of any child who is a
21 protected person under the order of protection, or release
22 information in those records to the respondent, unless the
23 order has expired or the respondent shows a certified copy of
24 the court order vacating the corresponding order of protection
25 that was sent to the health care facility or practitioner.
26 Nothing in this Section shall be construed to require health

1 care facilities or health care practitioners to alter
2 procedures related to billing and payment. The health care
3 facility or health care practitioner may file the copy of the
4 order of protection in the records of a child who is a
5 protected person under the order of protection, or may employ
6 any other method to identify the records to which a respondent
7 is prohibited access. No health care facility or health care
8 practitioner shall be civilly or professionally liable for
9 reliance on a copy of an order of protection, except for
10 willful and wanton misconduct.

11 (Source: P.A. 101-508, eff. 1-1-20; 102-538, eff. 8-20-21.)

12 (750 ILCS 60/305) (from Ch. 40, par. 2313-5)

13 Sec. 305. Limited law enforcement liability. Any act of
14 omission or commission by any law enforcement officer acting
15 in good faith in rendering emergency assistance, executing
16 search warrants under this Act, or otherwise enforcing this
17 Act shall not impose civil liability upon the law enforcement
18 officer or his or her supervisor or employer, unless the act is
19 a result of willful or wanton misconduct.

20 (Source: P.A. 84-1305.)

21 Section 99. Effective date. This Act takes effect 90 days
22 after becoming law.