



Sen. Celina Villanueva

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10300HB4144sam002

LRB103 34131 JDS 77130 a

1 AMENDMENT TO HOUSE BILL 4144

2 AMENDMENT NO. _____. Amend House Bill 4144, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

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

9 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

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

12 (a) (Blank).

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

1 available to petitioner.

2 (1) Prohibition of abuse. Prohibit respondent's
3 harassment, interference with personal liberty,
4 intimidation of a dependent, physical abuse, or willful
5 deprivation, as defined in this Article, if such abuse has
6 occurred or otherwise appears likely to occur if not
7 prohibited.

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

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

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

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

1 household.

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

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

24 (B) When the petitioner and the respondent attend
25 the same public, private, or non-public elementary,
26 middle, or high school, the court when issuing a

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

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

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

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

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

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

1 a minor child from, the physical care of a parent or person
2 in loco parentis.

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

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

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

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

1 (i) abuse or endanger the minor child during
2 parenting time;

3 (ii) use the parenting time as an opportunity to
4 abuse or harass petitioner or petitioner's family or
5 household members;

6 (iii) improperly conceal or detain the minor
7 child; or

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

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

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

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

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

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

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

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

26 If petitioner's sole claim to ownership of the

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

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

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

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

16 (ii) the petitioner and respondent own the
17 property jointly, and the balance of hardships favors
18 granting this remedy.

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

25 The court may further prohibit respondent from
26 improperly using the financial or other resources of an

1 aged member of the family or household for the profit or
2 advantage of respondent or of any other person.

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

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

1 significant decision-making responsibility unless
2 otherwise provided in the order.

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

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

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

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

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

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

17 (B) Any firearms in the possession of the
18 respondent, except as provided in subparagraph (C) of
19 this paragraph (14.5) and subject to the provisions of
20 subparagraph (B-2), if applicable, shall be ordered by
21 the court to be surrendered to law enforcement ~~turned~~
22 ~~over to a person with a valid Firearm Owner's~~
23 ~~Identification Card~~ for safekeeping. Any firearms or
24 firearm parts on the respondent's person or at the
25 place of service shall be immediately surrendered to
26 the serving officers at the time of service of the

1 order of protection, and any other firearms or firearm
2 parts shall be surrendered to local law enforcement
3 within 24 hours of service of the order of protection.
4 Any Firearm Owner's Identification Card or Concealed
5 Carry License in the possession of the respondent,
6 except as provided in subparagraph (C), shall also be
7 ordered by the court to be turned over to serving
8 officers at the time of service of the order of
9 protection or, if not on the respondent's person or at
10 the location where the respondent is served at the
11 time of service, to local law enforcement within 24
12 hours of service of the order. The law enforcement
13 agency shall immediately mail the card, as well as any
14 license, to the Illinois State Police Firearm Owner's
15 Identification Card Office for safekeeping. ~~The court~~
16 ~~shall issue an order that the respondent comply with~~
17 ~~Section 9.5 of the Firearm Owners Identification Card~~
18 ~~Act.~~

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

24 (i) If requested by law enforcement, the court
25 shall issue a search warrant for the seizure of
26 any firearms or firearm parts that could be

1 assembled to make an operable firearm belonging to
2 the respondent at or after entry of an order of
3 protection if the court, based upon sworn
4 testimony and governed by Sections 108-3 and
5 108-4, finds probable cause exists that:

6 (aa) the respondent poses an immediate and
7 present credible threat to the physical safety
8 of the petitioner protected by the order of
9 protection;

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

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

18 (ii) The search warrant shall specify with
19 particularity the scope of the search, including
20 the property to be searched, and shall direct the
21 law enforcement agency to seize the respondent's
22 firearms and firearm parts that could be assembled
23 to make an operable firearm. Law enforcement shall
24 also be directed to seize into their possession
25 any Firearm Owner's Identification Card and any
26 Concealed Carry License belonging to the

1 respondent.

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

19 (iv) If the property to be searched is in
20 another county, the petitioner or the State's
21 Attorney may seek a search warrant in that county
22 with the law enforcement agency with primary
23 responsibility for responding to service calls at
24 the property to be searched. Regardless of whether
25 the petitioner is working with the State's
26 Attorney under subsection (d) of Section 112A-4.5,

1 the petitioner may request the State's Attorney's
2 assistance to request that the law enforcement
3 agency in the county where the property is located
4 seek a search warrant.

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

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

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

23 (D) (i) Any firearms or firearm parts that could be
24 assembled to make an operable firearm that have been
25 seized or surrendered shall be kept by the law
26 enforcement agency that took possession of the items

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

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

24 (iii) At the end of the order of protection, a
25 respondent may request the return of any seized or
26 surrendered firearms or firearm parts that could be

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (bb) the court finds that:

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

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

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

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

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

25 (18) Telephone services.

26 (A) Unless a condition described in subparagraph

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

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

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

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

1 transferred under this paragraph.

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

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

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

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

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

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

26 (D) A wireless telephone service provider may

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

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

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

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

24 (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 of the
5 petitioner or any family or household member,
6 including the concealment of his or her location in
7 order to evade service of process or notice, and the
8 likelihood of danger of future abuse to petitioner or
9 any member of petitioner's or respondent's family or
10 household; and

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

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

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

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

25 (iii) the effect on the relationship of the party,
26 and any minor child or dependent adult in the party's

1 care, to family, school, church, and community.

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

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

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

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

15 (4) (Blank).

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

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

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

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

25 (1) respondent has cause for any use of force, unless
26 that cause satisfies the standards for justifiable use of

1 force provided by Article 7 of the Criminal Code of 2012;

2 (2) respondent was voluntarily intoxicated;

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

7 (4) petitioner did not act in self-defense or defense
8 of another;

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

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

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

17 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
18 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

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

21 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

22 Sec. 214. Order of protection; remedies.

23 (a) Issuance of order. If the court finds that petitioner
24 has been abused by a family or household member or that

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

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

21 (1) Prohibition of abuse, neglect, or exploitation.
22 Prohibit respondent's harassment, interference with
23 personal liberty, intimidation of a dependent, physical
24 abuse, or willful deprivation, neglect or exploitation, as
25 defined in this Act, or stalking of the petitioner, as
26 defined in Section 12-7.3 of the Criminal Code of 2012, if

1 such abuse, neglect, exploitation, or stalking has
2 occurred or otherwise appears likely to occur if not
3 prohibited.

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

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

23 (B) Presumption of hardships. If petitioner and
24 respondent each has the right to occupancy of a
25 residence or household, the court shall balance (i)
26 the hardships to respondent and any minor child or

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

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

24 (3) Stay away order and additional prohibitions. Order
25 respondent to stay away from petitioner or any other
26 person protected by the order of protection, or prohibit

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

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

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

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

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

20 (C) The court may order the parents, guardian, or
21 legal custodian of a minor respondent to take certain
22 actions or to refrain from taking certain actions to
23 ensure that the respondent complies with the order. In
24 the event the court orders a transfer of the
25 respondent to another school, the parents, guardian,
26 or legal custodian of the respondent is responsible

1 for transportation and other costs associated with the
2 change of school by the respondent.

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

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

25 If a court finds, after a hearing, that respondent has
26 committed abuse (as defined in Section 103) of a minor

1 child, there shall be a rebuttable presumption that
2 awarding physical care to respondent would not be in the
3 minor child's best interest.

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

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

17 (7) Parenting time. Determine the parenting time, if
18 any, of respondent in any case in which the court awards
19 physical care or allocates temporary significant
20 decision-making responsibility of a minor child to
21 petitioner. The court shall restrict or deny respondent's
22 parenting time with a minor child if the court finds that
23 respondent has done or is likely to do any of the
24 following: (i) abuse or endanger the minor child during
25 parenting time; (ii) use the parenting time as an
26 opportunity to abuse or harass petitioner or petitioner's

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

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

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

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

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

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

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

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

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

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

26 No order under this provision shall affect title to

1 property.

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

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

9 (ii) the parties own the property jointly, and the
10 balance of hardships favors 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 the petitioner's
19 significant decision-making authority, unless otherwise
20 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, neglect, or exploitation. Such losses shall
24 include, but not be limited to, medical expenses, lost
25 earnings or other support, repair or replacement of
26 property damaged or taken, reasonable attorney's fees,

1 court costs and moving or other travel expenses, including
2 additional reasonable expenses for temporary shelter and
3 restaurant meals.

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

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

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

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

1 parts firearm possession.

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

9 (aa1) was issued after a hearing of which such
10 person received actual notice, and at which such
11 person had an opportunity to participate, or the
12 petitioner has satisfied the requirements of
13 Section 217;

14 (bb2) restrains such person from using
15 physical force; harassing, stalking, or
16 threatening an intimate partner of such person or
17 child of such intimate partner or person; or or
18 engaging in other conduct that would place an
19 intimate partner in reasonable fear of bodily
20 injury to the partner or child; and

21 (cc3) ~~(i)~~ includes a finding that such person
22 represents a credible threat to the physical
23 safety of such intimate partner or child; ~~or (ii)~~
24 ~~by its terms explicitly prohibits the use,~~
25 ~~attempted use, or threatened use of physical force~~
26 ~~against such intimate partner or child that would~~

1 ~~reasonably be expected to cause bodily injury.~~

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

1 ~~respondent, to be kept by the local law enforcement~~
2 ~~agency for safekeeping, except as provided in~~
3 ~~subsection (b). The period of safekeeping shall be for~~
4 ~~the duration of the order of protection. The firearm~~
5 ~~or firearms and Firearm Owner's Identification Card,~~
6 ~~if unexpired, shall at the respondent's request, be~~
7 ~~returned to the respondent at the end of the order of~~
8 ~~protection. It is the respondent's responsibility to~~
9 ~~notify the Illinois State Police Firearm Owner's~~
10 ~~Identification Card Office.~~

11 (A-1) (i) Upon issuance of an emergency, interim,
12 or plenary order of protection and subject to the
13 provisions of item (ii) of this subparagraph (A-1),
14 the court shall issue a search warrant for the seizure
15 of any firearms or firearm parts that could be
16 assembled to make an operable firearm belonging to the
17 respondent if the court, based upon sworn testimony,
18 finds that:

19 (aa) the respondent poses a credible threat to
20 the physical safety of the petitioner protected by
21 the order of protection; and

22 (bb) probable cause exists to believe that:

23 (I) the respondent possesses firearms or
24 firearm parts that could be assembled to make
25 an operable firearm;

26 (II) the firearms or firearm parts that

1 could be assembled to make an operable firearm
2 are located at the residence, vehicle, or
3 other property of the respondent to be
4 searched; and

5 (III) the credible threat to the physical
6 safety of the petitioner protected by the
7 order of protection is immediate and present.

8 The record shall reflect the court's findings in
9 determining whether the search warrant shall be
10 issued.

11 (ii) If the petitioner does not seek a warrant
12 under this subparagraph (A-1) or the court determines
13 that the requirements of this subparagraph (A-1) have
14 not been met, relief under subparagraph (A) alone may
15 be granted.

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

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

21 (bb) personal injury to the petitioner is
22 likely to occur if the respondent received prior
23 notice; and

24 (cc) the petitioner has otherwise satisfied
25 the requirements of Section 217 of this Act.

26 (iv) Oral testimony is sufficient in lieu of an

1 affidavit to support a finding of probable cause.

2 (v) A search warrant issued under this
3 subparagraph (A-1) shall be directed by the court for
4 enforcement to the law enforcement agency with primary
5 responsibility for responding to calls for service at
6 the location to be searched or to another appropriate
7 law enforcement agency if justified by the
8 circumstances. The search warrant shall specify with
9 particularity the scope of the search, including the
10 property to be searched, and shall direct the law
11 enforcement agency to seize the respondent's firearms
12 and firearm parts that could be assembled to make an
13 operable firearm. Law enforcement shall also be
14 directed to seize any Firearm Owner's Identification
15 Card and any Concealed Carry License belonging to the
16 respondent.

17 (vi) The petitioner shall prepare an information
18 sheet, reviewed by the court, for law enforcement at
19 the time the warrant is granted. The information sheet
20 shall include:

21 (aa) contact information for the petitioner,
22 the petitioner's attorney, or both, including a
23 telephone number and email, if available;

24 (bb) a physical description of the respondent,
25 including the respondent's date of birth, if
26 known, or approximate age, height, weight, race,

1 and hair color;

2 (cc) days and times that the respondent is
3 likely to be at the property to be searched, if
4 known; and

5 (dd) whether people other than the respondent
6 are likely to be present at the property to be
7 searched and when, if known.

8 (vii) The information sheet shall be transmitted
9 to the law enforcement agency to which the search
10 warrant is directed in the same manner as the warrant
11 is transmitted under Section 222 of this Act.

12 (viii) If the court, after determining a search
13 warrant should issue, finds that the petitioner has
14 made a credible report of domestic violence to the
15 local law enforcement agency within the previous 90
16 days, law enforcement shall execute the warrant no
17 later than 96 hours after receipt of the warrant. If
18 the court finds that petitioner has not made such a
19 report, the law enforcement agency to which the court
20 has directed the warrant shall, within 48 hours of
21 receipt, evaluate the warrant and seek any corrections
22 to the warrant, and, if applicable, add to or negate
23 the warrant. The record shall reflect the court's
24 findings in determining whether to correct, add, or
25 negate the warrant. If a change is made regarding the
26 search warrant, law enforcement shall execute the

1 warrant no later than 96 hours after the correction is
2 issued. The law enforcement agency shall notify the
3 petitioner of any changes to the warrant or if the
4 warrant has been negated. The law enforcement agency
5 to which the court has directed the warrant may
6 coordinate with other law enforcement agencies to
7 execute the warrant. A return of the warrant shall be
8 filed by the law enforcement agency within 24 hours of
9 execution, setting forth the time, date, and location
10 where the warrant was executed and what items, if any,
11 were seized. If the court is not in session, the return
12 information shall be returned on the next date the
13 court is in session. Subject to the provisions of this
14 Section, peace officers shall have the same authority
15 to execute a warrant issued pursuant to this
16 subsection as a warrant issued under Article 108 of
17 the Code of Criminal Procedure of 1963.

18 (ix) Upon discovering a defect in the search
19 warrant, the appropriate law enforcement agency may
20 petition the court to correct the warrant. The law
21 enforcement agency shall notify the petitioner of any
22 such correction.

23 (x) Upon petition by the appropriate law
24 enforcement agency, the court may modify the search
25 warrant or extend the time to execute the search
26 warrant for a period of no more than 96 hours. In

1 determining whether to modify or extend the warrant,
2 the court shall consider:

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

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

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

12 (dd) the likelihood of successful execution of
13 warrant.

14 The record shall reflect the court's findings in
15 determining whether to extend or modify the warrant.
16 The law enforcement agency shall notify the petitioner
17 of any modification or extension of the warrant.

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

21 (Bb) If the respondent is a peace officer as
22 defined in Section 2-13 of the Criminal Code of 2012,
23 the court shall order that any firearms used by the
24 respondent in the performance of his or her duties as a
25 peace officer be surrendered to the chief law
26 enforcement executive of the agency in which the

1 respondent is employed, who shall retain the firearms
2 for safekeeping for the duration of the order of
3 protection.

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

24 (ii) It is the respondent's responsibility to
25 request the return or reinstatement of any Firearm
26 Owner's Identification Card or Concealed Carry License

1 and notify the Illinois State Police Firearm Owner's
2 Identification Card Office at the end of the Order of
3 Protection.

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

1 purposes~~7~~ or for any other application as deemed
2 appropriate by the ~~local~~ law enforcement agency; or
3 turn that the firearms be turned over the firearm or
4 firearm parts to a third party who is lawfully
5 eligible to possess firearms, and who does not reside
6 with respondent.

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

21 (aa) the firearm and firearm parts that could
22 be assembled to make an operable firearm are
23 removed from the respondent's custody, control, or
24 possession and the lawful owner agrees to store
25 the firearm and firearm parts that could be
26 assembled to make an operable firearm in a manner

1 such that the respondent does not have access to
2 or control of the firearm and firearm parts that
3 could be assembled to make an operable firearm;
4 and

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

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

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

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

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

24 (E)(i) The respondent may file a motion to
25 transfer, at the next scheduled hearing, any seized or
26 surrendered firearms or firearm parts to a third

1 party. Notice of the motion shall be provided to the
2 petitioner and the third party must appear at the
3 hearing.

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

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

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

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

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

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

22 (V) the third party transferee will be
23 subject to criminal penalties for transferring
24 the firearms or firearm parts to the
25 respondent; and

26 (bb) the court finds that:

1 (I) the respondent holds a valid Firearm
2 Owner's Identification; and

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

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

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

23 (17) Order for injunctive relief. Enter injunctive
24 relief necessary or appropriate to prevent further abuse
25 of a family or household member or further abuse, neglect,
26 or exploitation of a high-risk adult with disabilities or

1 to effectuate one of the granted remedies, if supported by
2 the balance of hardships. If the harm to be prevented by
3 the injunction is abuse or any other harm that one of the
4 remedies listed in paragraphs (1) through (16) of this
5 subsection is designed to prevent, no further evidence is
6 necessary that the harm is an irreparable injury.

7 (18) Telephone services.

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

26 (i) The name and billing telephone number of

1 the account holder including the name of the
2 wireless telephone service provider that serves
3 the account.

4 (ii) Each telephone number that will be
5 transferred.

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

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

17 (i) The account holder named in the order has
18 terminated the account.

19 (ii) A difference in network technology would
20 prevent or impair the functionality of a device on
21 a network if the transfer occurs.

22 (iii) The transfer would cause a geographic or
23 other limitation on network or service provision
24 to the petitioner.

25 (iv) Another technological or operational
26 issue would prevent or impair the use of the

1 telephone number if the transfer occurs.

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

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

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

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

25 (G) The Illinois Commerce Commission shall
26 maintain the list of registered agents for service for

1 each wireless telephone service provider on the
2 Commission's website. The Commission may consult with
3 wireless telephone service providers and the Circuit
4 Court Clerks on the manner in which this information
5 is provided and displayed.

6 (c) Relevant factors; findings.

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

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

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

25 (2) In comparing relative hardships resulting to the
26 parties from loss of possession of the family home, the

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

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

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

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

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

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

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

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

24 (4) For purposes of issuing an ex parte emergency
25 order of protection, the court, as an alternative to or as
26 a supplement to making the findings described in

1 paragraphs (c)(3)(i) through (c)(3)(iii) of this
2 subsection, may use the following procedure:

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

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

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

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

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

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

26 (2) Respondent was voluntarily intoxicated;

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

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

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

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

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

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

19 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

20 Sec. 222. Notice of orders.

21 (a) Entry and issuance. Upon issuance of any order of
22 protection, the clerk shall immediately (i) enter the order on
23 the record and file it in accordance with the circuit court
24 procedures and (ii) provide a file stamped copy of the order to
25 respondent, if present, and to petitioner.

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

1 (c) Service by sheriff. Unless respondent was present in
2 court when the order was issued, the sheriff, other law
3 enforcement official or special process server shall promptly
4 serve that order upon respondent and file proof of such
5 service, in the manner provided for service of process in
6 civil proceedings. Instead of serving the order upon the
7 respondent, however, the sheriff, other law enforcement
8 official, special process server, or other persons defined in
9 Section 222.10 may serve the respondent with a short form
10 notification as provided in Section 222.10. If process has not
11 yet been served upon the respondent, it shall be served with
12 the order or short form notification if such service is made by
13 the sheriff, other law enforcement official, or special
14 process server. A single fee may be charged for service of an
15 order obtained in civil court, or for service of such an order
16 together with process, unless waived or deferred under Section
17 210.

18 (c-5) If the person against whom the order of protection
19 is issued is arrested and the written order is issued in
20 accordance with subsection (c) of Section 217 and received by
21 the custodial law enforcement agency before the respondent or
22 arrestee is released from custody, the custodial law
23 enforcement agent shall promptly serve the order upon the
24 respondent or arrestee before the respondent or arrestee is
25 released from custody. In no event shall detention of the
26 respondent or arrestee be extended for hearing on the petition

1 for order of protection or receipt of the order issued under
2 Section 217 of this Act.

3 (d) Extensions, modifications and revocations. Any order
4 extending, modifying or revoking any order of protection shall
5 be promptly recorded, issued and served as provided in this
6 Section.

7 (e) Notice to schools. Upon the request of the petitioner,
8 within 24 hours of the issuance of an order of protection, the
9 clerk of the issuing judge shall send a certified copy of the
10 order of protection to the day-care facility, pre-school or
11 pre-kindergarten, or private school or the principal office of
12 the public school district or any college or university in
13 which any child who is a protected person under the order of
14 protection or any child of the petitioner is enrolled as
15 requested by the petitioner at the mailing address provided by
16 the petitioner. If the child transfers enrollment to another
17 day-care facility, pre-school, pre-kindergarten, private
18 school, public school, college, or university, the petitioner
19 may, within 24 hours of the transfer, send to the clerk written
20 notice of the transfer, including the name and address of the
21 institution to which the child is transferring. Within 24
22 hours of receipt of notice from the petitioner that a child is
23 transferring to another day-care facility, pre-school,
24 pre-kindergarten, private school, public school, college, or
25 university, the clerk shall send a certified copy of the order
26 to the institution to which the child is transferring.

1 (f) Disclosure by schools. After receiving a certified
2 copy of an order of protection that prohibits a respondent's
3 access to records, neither a day-care facility, pre-school,
4 pre-kindergarten, public or private school, college, or
5 university nor its employees shall allow a respondent access
6 to a protected child's records or release information in those
7 records to the respondent. The school shall file the copy of
8 the order of protection in the records of a child who is a
9 protected person under the order of protection. When a child
10 who is a protected person under the order of protection
11 transfers to another day-care facility, pre-school,
12 pre-kindergarten, public or private school, college, or
13 university, the institution from which the child is
14 transferring may, at the request of the petitioner, provide,
15 within 24 hours of the transfer, written notice of the order of
16 protection, along with a certified copy of the order, to the
17 institution to which the child is transferring.

18 (g) Notice to health care facilities and health care
19 practitioners. Upon the request of the petitioner, the clerk
20 of the circuit court shall send a certified copy of the order
21 of protection to any specified health care facility or health
22 care practitioner requested by the petitioner at the mailing
23 address provided by the petitioner.

24 (h) Disclosure by health care facilities and health care
25 practitioners. After receiving a certified copy of an order of
26 protection that prohibits a respondent's access to records, no

1 health care facility or health care practitioner shall allow a
2 respondent access to the records of any child who is a
3 protected person under the order of protection, or release
4 information in those records to the respondent, unless the
5 order has expired or the respondent shows a certified copy of
6 the court order vacating the corresponding order of protection
7 that was sent to the health care facility or practitioner.
8 Nothing in this Section shall be construed to require health
9 care facilities or health care practitioners to alter
10 procedures related to billing and payment. The health care
11 facility or health care practitioner may file the copy of the
12 order of protection in the records of a child who is a
13 protected person under the order of protection, or may employ
14 any other method to identify the records to which a respondent
15 is prohibited access. No health care facility or health care
16 practitioner shall be civilly or professionally liable for
17 reliance on a copy of an order of protection, except for
18 willful and wanton misconduct.

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

20 (750 ILCS 60/305) (from Ch. 40, par. 2313-5)

21 Sec. 305. Limited law enforcement liability. Any act of
22 omission or commission by any law enforcement officer acting
23 in good faith in rendering emergency assistance, executing
24 search warrants under this Act, or otherwise enforcing this
25 Act shall not impose civil liability upon the law enforcement

1 officer or his or her supervisor or employer, unless the act is
2 a result of willful or wanton misconduct.

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

4 Section 99. Effective date. This Act takes effect 90 days
5 after becoming law."