

AN ACT concerning safety.

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

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

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

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

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

(a) (Blank).

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

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

(2) Grant of exclusive possession of residence.

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

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

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

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

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

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

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

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

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

and educational disruption that would be caused by a transfer of the respondent to another school, and any other relevant facts of the case. The court may order that the respondent not attend the public, private, or non-public elementary, middle, or high school attended by the petitioner, order that the respondent accept a change of placement or change of program, as determined by the school district or private or non-public school, or place restrictions on the respondent's movements within the school attended by the petitioner. The respondent bears the burden of proving by a preponderance of the evidence that a transfer, change of placement, or change of program of the respondent is not available. The respondent also bears the burden of production with respect to the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. A transfer, change of placement, or change of program is not unavailable to the respondent solely on the ground that the respondent does not agree with the school district's or private or non-public school's transfer, change of placement, or change of program or solely on the ground that the respondent fails or refuses to consent or otherwise does not take an action required to effectuate a transfer, change of placement, or change of program.

When a court orders a respondent to stay away from the public, private, or non-public school attended by the petitioner and the respondent requests a transfer to another attendance center within the respondent's school district or private or non-public school, the school district or private or non-public school shall have sole discretion to determine the attendance center to which the respondent is transferred. If the court order results in a transfer of the minor respondent to another attendance center, a change in the respondent's placement, or a change of the respondent's program, the parents, guardian, or legal custodian of the respondent is responsible for transportation and other costs associated with the transfer or change.

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

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

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

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

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

(6) Temporary allocation of parental responsibilities

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

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

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

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

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

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

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

best interests of the minor child.

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

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

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

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

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

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

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

No order under this provision shall affect title to property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

protection;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(bb) shall not transfer the firearm and

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

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

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

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

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

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

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

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

respondent or anyone who resides with the respondent;

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

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

(bb) the court finds that:

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

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

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

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

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

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

(18) Telephone services.

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

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

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

(ii) Each telephone number that will be transferred.

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

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

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

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

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

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

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

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

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

with a court order issued under this paragraph.

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

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

(c) Relevant factors; findings.

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

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

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

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

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

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

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

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

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

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

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

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

(4) (Blank).

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

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

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

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

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

(2) respondent was voluntarily intoxicated;

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

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

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

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

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

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

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

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

Sec. 214. Order of protection; remedies.

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

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

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

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

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

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

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

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

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

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

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

(A) If an order of protection grants petitioner

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

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

non-public elementary, middle, or high school attended by the petitioner, order that the respondent accept a change of placement or change of program, as determined by the school district or private or non-public school, or place restrictions on the respondent's movements within the school attended by the petitioner. The respondent bears the burden of proving by a preponderance of the evidence that a transfer, change of placement, or change of program of the respondent is not available. The respondent also bears the burden of production with respect to the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. A transfer, change of placement, or change of program is not unavailable to the respondent solely on the ground that the respondent does not agree with the school district's or private or non-public school's transfer, change of placement, or change of program or solely on the ground that the respondent fails or refuses to consent or otherwise does not take an action required to effectuate a transfer, change of placement, or change of program. When a court orders a respondent to stay away from the public, private, or non-public school attended by the petitioner and the respondent requests a transfer to another attendance center within the respondent's

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No order under this provision shall affect title to property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

service of the order of protection, and any other firearms or firearm parts shall be surrendered to local law enforcement within 24 hours of service of the order of protection. Any Firearm Owner's Identification Card or Concealed Carry License in the possession of the respondent, except as provided in subparagraph (B) ~~subsection (b)~~, shall also be ordered by the court to be turned over to the officer serving the order of protection at the time of service or, if not on the respondent's person or at the location where the respondent is served at the time of service, to local law enforcement within 24 hours of service of the order of protection agency. The ~~local~~ law enforcement agency shall immediately mail the card, as well as any license, to the Illinois State Police Firearm Owner's Identification Card Office for safekeeping. ~~The court shall issue a warrant for seizure of any firearm in the possession of the respondent, to be kept by the local law enforcement agency for safekeeping, except as provided in subsection (b). The period of safekeeping shall be for the duration of the order of protection. The firearm or firearms and Firearm Owner's Identification Card, if unexpired, shall at the respondent's request, be returned to the respondent at the end of the order of protection. It is the respondent's responsibility to~~

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

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

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

(bb) probable cause exists to believe that:

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

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

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

The record shall reflect the court's findings in

determining whether the search warrant shall be issued.

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

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

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

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

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

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

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

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

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

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

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

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

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

(vii) The information sheet shall be transmitted

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

(viii) If the court, after determining a search warrant should issue, finds that the petitioner has made a credible report of domestic violence to the local law enforcement agency within the previous 90 days, law enforcement shall execute the warrant no later than 96 hours after receipt of the warrant. If the court finds that petitioner has not made such a report, the law enforcement agency to which the court has directed the warrant shall, within 48 hours of receipt, evaluate the warrant and seek any corrections to the warrant, and, if applicable, add to or negate the warrant. The record shall reflect the court's findings in determining whether to correct, add, or negate the warrant. If a change is made regarding the search warrant, law enforcement shall execute the warrant no later than 96 hours after the correction is issued. The law enforcement agency shall notify the petitioner of any changes to the warrant or if the warrant has been negated. The law enforcement agency to which the court has directed the warrant may coordinate with other law enforcement agencies to execute the warrant. A return of the warrant shall be filed by the law enforcement agency within 24 hours of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

could be assembled to make an operable firearm seized or surrendered under this subsection, the person may petition the court to have the firearm and firearm parts that could be assembled to make an operable firearm returned to him or her with proper notice to the petitioner and respondent. If, at a hearing on the petition, the court determines the person to be the lawful owner of the firearm and firearm parts that could be assembled to make an operable firearm, the firearm and firearm parts that could be assembled to make an operable firearm shall be returned to the person, provided that:

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

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

(ii) The person petitioning for the return of his

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

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

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

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

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

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

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

(I) the third party transferee does not

reside with the respondent;

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

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

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

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

(bb) the court finds that:

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

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

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

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

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

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

(18) Telephone services.

(A) Unless a condition described in subparagraph

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

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

(ii) Each telephone number that will be transferred.

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

transferred under this paragraph.

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

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

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

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

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

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

(D) A wireless telephone service provider may

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

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

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

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

(c) Relevant factors; findings.

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

relevant factors, including but not limited to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Respondent was voluntarily intoxicated;

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

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

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

respondent;

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

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

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

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

Sec. 222. Notice of orders.

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

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

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

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

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

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

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

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

clerk of the issuing judge shall send a certified copy of the order of protection to the day-care facility, pre-school or pre-kindergarten, or private school or the principal office of the public school district or any college or university in which any child who is a protected person under the order of protection or any child of the petitioner is enrolled as requested by the petitioner at the mailing address provided by the petitioner. If the child transfers enrollment to another day-care facility, pre-school, pre-kindergarten, private school, public school, college, or university, the petitioner may, within 24 hours of the transfer, send to the clerk written notice of the transfer, including the name and address of the institution to which the child is transferring. Within 24 hours of receipt of notice from the petitioner that a child is transferring to another day-care facility, pre-school, pre-kindergarten, private school, public school, college, or university, the clerk shall send a certified copy of the order to the institution to which the child is transferring.

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

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

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

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

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

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

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

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

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

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