



Rep. Denyse Wang Stoneback

Filed: 1/31/2022

10200HB2541ham001

LRB102 11879 LNS 35600 a

1 AMENDMENT TO HOUSE BILL 2541

2 AMENDMENT NO. _____. Amend House Bill 2541 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Section 9.5 as follows:

6 (430 ILCS 65/9.5)

7 Sec. 9.5. Revocation of Firearm Owner's Identification
8 Card.

9 (a) A person who receives a revocation notice under
10 Section 9 of this Act shall, within 48 hours of receiving
11 notice of the revocation:

12 (1) surrender his or her Firearm Owner's
13 Identification Card to the local law enforcement agency
14 where the person resides or to a law enforcement agency of
15 the court's choosing ~~the Illinois State Police~~; and

16 (2) complete a Firearm Disposition Record on a form

1 prescribed by the Illinois State Police and place his or
2 her firearms in the location or with the person reported
3 in the Firearm Disposition Record. The form shall require
4 the person to disclose:

5 (A) the make, model, and serial number of each
6 firearm owned by or under the custody and control of
7 the revoked person;

8 (B) the location where each firearm will be
9 maintained during the prohibited term;

10 (C) if any firearm will be transferred to the
11 custody of another person, the name, address and
12 Firearm Owner's Identification Card number of the
13 transferee; and

14 (D) to whom his or her Firearm Owner's
15 Identification Card was surrendered.

16 Once completed, the person shall retain a copy and
17 provide a copy of the Firearm Disposition Record to the
18 Illinois State Police.

19 (b) Upon confirming through the portal created under
20 Section 2605-304 of the Illinois ~~Department of~~ State Police
21 Law of the Civil Administrative Code of Illinois that the
22 Firearm Owner's Identification Card has been revoked by the
23 Illinois State Police, surrendered cards shall be destroyed by
24 the law enforcement agency receiving the cards. If a card has
25 not been revoked, the card shall be returned to the
26 cardholder. ~~Illinois~~

1 (b-5) If a court orders the surrender of a Firearms
2 Owner's Identification Card and accepts receipt of the Card,
3 the court shall destroy the Card and direct the person whose
4 Firearm Owner's Identification Card has been surrendered to
5 comply with paragraph (2) of subsection (a).

6 (b-10) If the person whose Firearm Owner's Identification
7 Card has been revoked has either lost or destroyed the Card,
8 the person must still comply with paragraph (2) of subsection
9 (a).

10 (b-15) A notation shall be made in the portal created
11 under Section 2605-304 of the Illinois ~~Department of~~ State
12 Police Law of the Civil Administrative Code of Illinois that
13 the revoked Firearm Owner's Identification Card has been
14 destroyed.

15 (c) If the person whose Firearm Owner's Identification
16 Card has been revoked fails to comply with the requirements of
17 this Section, the sheriff or law enforcement agency where the
18 person resides may petition the circuit court to issue a
19 warrant to search for and seize the Firearm Owner's
20 Identification Card and firearms in the possession or under
21 the custody or control of the person whose Firearm Owner's
22 Identification Card has been revoked.

23 (d) A violation of subsection (a) of this Section is a
24 Class A misdemeanor.

25 (e) The observation of a Firearm Owner's Identification
26 Card in the possession of a person whose Firearm Owner's

1 Identification Card has been revoked constitutes a sufficient
2 basis for the arrest of that person for violation of this
3 Section.

4 (f) Within 30 days after July 9, 2013 (the effective date
5 of Public Act 98-63) ~~this amendatory Act of the 98th General~~
6 ~~Assembly~~, the Illinois State Police shall provide written
7 notice of the requirements of this Section to persons whose
8 Firearm Owner's Identification Cards have been revoked,
9 suspended, or expired and who have failed to surrender their
10 cards to the Illinois State Police Department.

11 (g) A person whose Firearm Owner's Identification Card has
12 been revoked and who received notice under subsection (f)
13 shall comply with the requirements of this Section within 48
14 hours of receiving notice.

15 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
16 revised 10-15-21.)

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

19 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

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

22 (a) (Blank).

23 (b) The court may order any of the remedies listed in this
24 subsection (b). The remedies listed in this subsection (b)

1 shall be in addition to other civil or criminal remedies
2 available to petitioner.

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

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

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

1 (B) shall not preclude equitable relief.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 is likely to do any of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 The court may further prohibit respondent from

1 improperly using the financial or other resources of an
2 aged member of the family or household for the profit or
3 advantage of respondent or of any other person.

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

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

1 responsibility differently and vacating petitioner's
2 significant decision-making responsibility unless
3 otherwise provided in the order.

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

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

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

1 investigator fees, and travel costs.

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

7 (14.5) Prohibition of firearm possession.

8 (A) A person who is subject to an existing
9 domestic violence order of protection issued under
10 this Code may not lawfully possess weapons or a
11 Firearm Owner's Identification Card under Section 8.2
12 of the Firearm Owners Identification Card Act and is
13 subject to the requirements of subsection (a-1) of
14 Section 214 of the Domestic Violence Act of 1986 and
15 paragraph (14.5) or (14.6) of subsection (b) of
16 Section 214 of the Domestic Violence Act of 1986, as
17 applicable.

18 (B) Any firearms in the possession of the
19 respondent, except as provided in subparagraph (C) of
20 this paragraph (14.5), shall be ordered by the court
21 to be turned over to a person with a valid Firearm
22 Owner's Identification Card for surrender: safekeeping

23 (i) in the case of an ex parte order under
24 Section 112A-17.5, for the duration of the
25 domestic violence order of protection; or

26 (ii) in the case of a final order, for the

1 duration of the domestic violence order of
2 protection or 2 years, whichever is longer.

3 The court shall issue an order that the respondent
4 comply with Section 9.5 of the Firearm Owners
5 Identification Card Act. ~~Illinois~~

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

14 (i) in the case of an ex parte order under
15 Section 112A-17.5, for the duration of the
16 domestic violence order of protection; or

17 (ii) in the case of a final order, for the
18 duration of the domestic violence order of
19 protection or 2 years, whichever is longer.

20 (D) Upon expiration of the period of surrender
21 ~~safekeeping~~, if the firearms or Firearm Owner's
22 Identification Card cannot be returned to respondent
23 because respondent cannot be located, fails to respond
24 to requests to retrieve the firearms, or is not
25 lawfully eligible to possess a firearm, upon petition
26 from the local law enforcement agency, the court may

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

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

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

6 (18) Telephone services.

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

25 (i) The name and billing telephone number of
26 the account holder including the name of the

1 wireless telephone service provider that serves
2 the account.

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

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

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

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

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

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

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

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

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

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

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

24 (G) The Illinois Commerce Commission shall
25 maintain the list of registered agents for service for
26 each wireless telephone service provider on the

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

5 (c) Relevant factors; findings.

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

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

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

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

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

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

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

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

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

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

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

22 (4) (Blank).

23 (5) Never married parties. No rights or
24 responsibilities for a minor child born outside of
25 marriage attach to a putative father until a father and
26 child relationship has been established under the Illinois

1 Parentage Act of 1984, the Illinois Parentage Act of 2015,
2 the Illinois Public Aid Code, Section 12 of the Vital
3 Records Act, the Juvenile Court Act of 1987, the Probate
4 Act of 1975, the Uniform Interstate Family Support Act,
5 the Expedited Child Support Act of 1990, any judicial,
6 administrative, or other act of another state or
7 territory, any other statute of this State, or by any
8 foreign nation establishing the father and child
9 relationship, any other proceeding substantially in
10 conformity with the federal Personal Responsibility and
11 Work Opportunity Reconciliation Act of 1996, or when both
12 parties appeared in open court or at an administrative
13 hearing acknowledging under oath or admitting by
14 affirmation the existence of a father and child
15 relationship. Absent such an adjudication, no putative
16 father shall be granted temporary allocation of parental
17 responsibilities, including parenting time with the minor
18 child, or physical care and possession of the minor child,
19 nor shall an order of payment for support of the minor
20 child be entered.

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

1 result in hardship to respondent that would substantially
2 outweigh the hardship to petitioner from denial of the remedy.
3 The findings shall be an official record or in writing.

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

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

9 (2) respondent was voluntarily intoxicated;

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

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

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

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

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

24 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
25 102-538, eff. 8-20-21; revised 11-2-21.)

1 Section 15. The Illinois Domestic Violence Act of 1986 is
2 amended by changing Sections 214, 217, and 223 as follows:

3 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

4 Sec. 214. Order of protection; remedies.

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

20 (a-1) If the respondent to an order of protection issued
21 under subsection (a) is subject to paragraph (14.5) or (14.6)
22 of subsection (b), the order of protection shall also include
23 an order to surrender firearms. The order to surrender
24 firearms shall require the respondent to surrender any firearm
25 on the day the respondent is served with the order of

1 protection. Upon the respondent surrendering any firearm to
2 the appropriate law enforcement agency, the law enforcement
3 agency shall provide a statement of receipt of any firearm,
4 with a description of any firearm surrendered, to the
5 respondent and the court. This statement of receipt shall be
6 considered proof of compliance with an order to surrender
7 firearms and may be presented as proof at a hearing.

8 The failure to surrender any firearm within 24 hours to
9 the appropriate law enforcement agency under an order to
10 surrender firearms shall constitute contempt of court for the
11 violation of the terms of the order of protection.

12 Within 30 days of the effective date of this amendatory
13 Act of the 102nd General Assembly, the Supreme Court shall
14 adopt a form for an order to surrender firearms and update any
15 existing forms for an order of protection to reflect the
16 changes made by this amendatory Act of the 102nd General
17 Assembly. The form for an order to surrender firearms shall
18 also include forms for a declaration of surrender of firearms,
19 proof of surrender, declaration of nonsurrender, and order to
20 release firearms.

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

1 other civil or criminal remedies available to petitioner.

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

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

11 (2) Grant of exclusive possession of residence.

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

21 (A) Right to occupancy. A party has a right to

22 occupancy of a residence or household if it is solely
23 or jointly owned or leased by that party, that party's
24 spouse, a person with a legal duty to support that
25 party or a minor child in that party's care, or by any
26 person or entity other than the opposing party that

1 authorizes that party's occupancy (e.g., a domestic
2 violence shelter). Standards set forth in subparagraph
3 (B) shall not preclude equitable relief.

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

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

1 motion, may order respondent to provide suitable,
2 accessible, alternate housing for petitioner instead
3 of excluding respondent from a mutual residence or
4 household.

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

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

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

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

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

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

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

1 or both of the following: (i) grant petitioner physical
2 care or possession of the minor child, or both, or (ii)
3 order respondent to return a minor child to, or not remove
4 a minor child from, the physical care of a parent or person
5 in loco parentis.

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

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

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

24 (7) Parenting time. Determine the parenting time, if
25 any, of respondent in any case in which the court awards
26 physical care or allocates temporary significant

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

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

24 If necessary to protect any member of petitioner's
25 family or household from future abuse, respondent shall be
26 prohibited from coming to petitioner's residence to meet

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

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

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

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

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

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

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

24 The court may further prohibit respondent from
25 improperly using the financial or other resources of an
26 aged member of the family or household for the profit or

1 advantage of respondent or of any other person.

2 (11.5) Protection of animals. Grant the petitioner the
3 exclusive care, custody, or control of any animal owned,
4 possessed, leased, kept, or held by either the petitioner
5 or the respondent or a minor child residing in the
6 residence or household of either the petitioner or the
7 respondent and order the respondent to stay away from the
8 animal and forbid the respondent from taking,
9 transferring, encumbering, concealing, harming, or
10 otherwise disposing of the animal.

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

1 provided in the order.

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

8 (a) In the case of a granted plenary order,
9 prohibit ~~Prohibit~~ a respondent against whom an order
10 of protection was issued from possessing any firearms
11 during the duration of the order or 2 years, whichever
12 is longer, if the order:

13 (1) was issued after a hearing of which such
14 person received actual notice, and at which such
15 person had an opportunity to participate;

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

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

1 against such intimate partner or child that would
2 reasonably be expected to cause bodily injury.

3 Any Firearm Owner's Identification Card in the
4 possession of the respondent, except as provided in
5 subparagraph subsection (b), shall be revoked or
6 suspended consistent with Section 8.2 of the Firearm
7 Owners Identification Act, and the respondent shall be
8 ordered by the court to surrender the card and any
9 firearm in the respondent's possession consistent with
10 Sections 8.2, 8.3, and 9.5 of the Firearm Owners
11 Identification Act. If the card is suspended, the be
12 ~~turned over to the local law enforcement agency. The~~
13 ~~local law enforcement agency shall immediately mail~~
14 ~~the card to the Illinois State Police Firearm Owner's~~
15 ~~Identification Card Office for safekeeping. The court~~
16 ~~shall issue a warrant for seizure of any firearm in the~~
17 ~~possession of the respondent, to be kept by the local~~
18 ~~law enforcement agency for safekeeping, except as~~
19 ~~provided in subsection (b). The period of surrender~~
20 ~~safekeeping shall be for the duration of the order of~~
21 protection. If the card is revoked, the period of
22 surrender shall be for the duration of the order of
23 protection or 2 years, whichever is longer. The
24 Illinois State Police shall make notification to the
25 local law enforcement with jurisdiction of the
26 suspension or revocation. The firearm or firearms and

1 ~~Firearm Owner's Identification Card, if unexpired,~~
2 ~~shall at the respondent's request, be returned to the~~
3 ~~respondent at the end of the order of protection. It is~~
4 ~~the respondent's responsibility to notify the Illinois~~
5 ~~State Police Firearm Owner's Identification Card~~
6 ~~Office.~~

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

16 (c) Upon expiration of the period of surrender
17 ~~safekeeping~~, if the firearms or Firearm Owner's
18 Identification Card cannot be returned to the
19 respondent because the respondent cannot be located,
20 fails to respond to requests to retrieve the firearms,
21 or is not lawfully eligible to possess a firearm, upon
22 petition from the local law enforcement agency, the
23 court may order the local law enforcement agency to
24 destroy the firearms, use the firearms for training
25 purposes, or for any other application as deemed
26 appropriate by the local law enforcement agency; or

1 that the firearms be turned over to a third party who
2 is lawfully eligible to possess firearms, and who does
3 not reside with the respondent.

4 (d) A respondent who has surrendered a firearm
5 under this paragraph shall not purchase a firearm for
6 the period of surrender. A respondent who has
7 surrendered a firearm under this paragraph shall not
8 possess or have access to any firearm regardless of
9 whether the firearm belongs to another person or if
10 the respondent is residing with another person who
11 owns a firearm and keeps the firearm at the residence.

12 (e) Upon expiration of the period of surrender,
13 any surrendered firearm may only be returned to a
14 respondent if a judicial officer has signed an order
15 to release firearms stating that the order of
16 protection is no longer in effect and the period of
17 surrender has expired.

18 (14.6) Prohibition of firearm possession; emergency
19 orders.

20 (a) Any Firearm Owner's Identification Card in the
21 possession of the respondent, except as provided in
22 subparagraph (b), shall be suspended consistent with
23 Section 8.2 of the Firearm Owners Identification Act,
24 and the respondent shall be ordered by the court to
25 surrender the card and any firearm in the respondent's
26 possession consistent with Sections 8.3 and 9.5 of the

1 Firearm Owners Identification Act. The period of
2 surrender shall be for the duration of the order of
3 protection.

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

13 (c) Upon expiration of the period of surrender, if
14 the firearms or Firearm Owner's Identification Card
15 cannot be returned to respondent because respondent
16 cannot be located, fails to respond to requests to
17 retrieve the firearms, or is not lawfully eligible to
18 possess a firearm, upon petition from the local law
19 enforcement agency, the court may order the local law
20 enforcement agency to destroy the firearms, use the
21 firearms for training purposes, or for any other
22 application as deemed appropriate by the local law
23 enforcement agency; or that the firearms be turned
24 over to a third party who is lawfully eligible to
25 possess firearms, and who does not reside with
26 respondent.

1 (d) A respondent who has surrendered a firearm
2 under this paragraph shall not purchase a firearm for
3 the period of surrender. A respondent who has
4 surrendered a firearm under this paragraph shall not
5 possess or have access to any firearm regardless of
6 whether the firearm belongs to another person or if
7 the respondent is residing with another person who
8 owns a firearm and keeps the firearm at the residence.

9 (e) Upon expiration of the period of surrender,
10 any surrendered firearm may only be returned to a
11 respondent if a judicial officer has signed an order
12 to release firearms stating that the order of
13 protection is no longer in effect and the period of
14 surrender has expired.

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

25 (16) Order for payment of shelter services. Order
26 respondent to reimburse a shelter providing temporary

1 housing and counseling services to the petitioner for the
2 cost of the services, as certified by the shelter and
3 deemed reasonable by the court.

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

14 (18) Telephone services.

15 (A) Unless a condition described in subparagraph
16 (B) of this paragraph exists, the court may, upon
17 request by the petitioner, order a wireless telephone
18 service provider to transfer to the petitioner the
19 right to continue to use a telephone number or numbers
20 indicated by the petitioner and the financial
21 responsibility associated with the number or numbers,
22 as set forth in subparagraph (C) of this paragraph.
23 For purposes of this paragraph (18), the term
24 "wireless telephone service provider" means a provider
25 of commercial mobile service as defined in 47 U.S.C.
26 332. The petitioner may request the transfer of each

1 telephone number that the petitioner, or a minor child
2 in his or her custody, uses. The clerk of the court
3 shall serve the order on the wireless telephone
4 service provider's agent for service of process
5 provided to the Illinois Commerce Commission. The
6 order shall contain all of the following:

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

11 (ii) Each telephone number that will be
12 transferred.

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

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

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

26 (ii) A difference in network technology would

1 prevent or impair the functionality of a device on
2 a network if the transfer occurs.

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

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

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

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

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

25 (F) All wireless service providers that provide
26 services to residential customers shall provide to the

1 Illinois Commerce Commission the name and address of
2 an agent for service of orders entered under this
3 paragraph (18). Any change in status of the registered
4 agent must be reported to the Illinois Commerce
5 Commission within 30 days of such change.

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

13 (c) Relevant factors; findings.

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

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

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

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

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

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

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

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

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

25 (ii) Whether the conduct or actions of respondent,
26 unless prohibited, will likely cause irreparable harm

1 or continued abuse.

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

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

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

20 (5) Never married parties. No rights or
21 responsibilities for a minor child born outside of
22 marriage attach to a putative father until a father and
23 child relationship has been established under the Illinois
24 Parentage Act of 1984, the Illinois Parentage Act of 2015,
25 the Illinois Public Aid Code, Section 12 of the Vital
26 Records Act, the Juvenile Court Act of 1987, the Probate

1 Act of 1975, the Revised Uniform Reciprocal Enforcement of
2 Support Act, the Uniform Interstate Family Support Act,
3 the Expedited Child Support Act of 1990, any judicial,
4 administrative, or other act of another state or
5 territory, any other Illinois statute, or by any foreign
6 nation establishing the father and child relationship, any
7 other proceeding substantially in conformity with the
8 Personal Responsibility and Work Opportunity
9 Reconciliation Act of 1996 (Pub. L. 104-193), or where
10 both parties appeared in open court or at an
11 administrative hearing acknowledging under oath or
12 admitting by affirmation the existence of a father and
13 child relationship. Absent such an adjudication, finding,
14 or acknowledgment, no putative father shall be granted
15 temporary allocation of parental responsibilities,
16 including parenting time with the minor child, or physical
17 care and possession of the minor child, nor shall an order
18 of payment for support of the minor child be entered.

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

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

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

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

7 (2) Respondent was voluntarily intoxicated;

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

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

14 (5) Petitioner left the residence or household to
15 avoid further abuse, neglect, or exploitation by
16 respondent;

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

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

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

1 (750 ILCS 60/217) (from Ch. 40, par. 2312-17)

2 Sec. 217. Emergency order of protection.

3 (a) Prerequisites. An emergency order of protection shall
4 issue if petitioner satisfies the requirements of this
5 subsection for one or more of the requested remedies. For each
6 remedy requested, petitioner shall establish that:

7 (1) The court has jurisdiction under Section 208;

8 (2) The requirements of Section 214 are satisfied; and

9 (3) There is good cause to grant the remedy,
10 regardless of prior service of process or of notice upon
11 the respondent, because:

12 (i) For the remedies of "prohibition of abuse"
13 described in Section 214(b)(1), "stay away order and
14 additional prohibitions" described in Section
15 214(b)(3), "removal or concealment of minor child"
16 described in Section 214(b)(8), "order to appear"
17 described in Section 214(b)(9), "physical care and
18 possession of the minor child" described in Section
19 214(b)(5), "protection of property" described in
20 Section 214(b)(11), "prohibition of entry" described
21 in Section 214(b)(14), "prohibition of firearm
22 possession" described in Section 214(b)(14.6)
23 ~~214(b)(14.5)~~, "prohibition of access to records"
24 described in Section 214(b)(15), and "injunctive
25 relief" described in Section 214(b)(16), the harm
26 which that remedy is intended to prevent would be

1 likely to occur if the respondent were given any prior
2 notice, or greater notice than was actually given, of
3 the petitioner's efforts to obtain judicial relief;

4 (ii) For the remedy of "grant of exclusive
5 possession of residence" described in Section
6 214(b)(2), the immediate danger of further abuse of
7 petitioner by respondent, if petitioner chooses or had
8 chosen to remain in the residence or household while
9 respondent was given any prior notice or greater
10 notice than was actually given of petitioner's efforts
11 to obtain judicial relief, outweighs the hardships to
12 respondent of an emergency order granting petitioner
13 exclusive possession of the residence or household.
14 This remedy shall not be denied because petitioner has
15 or could obtain temporary shelter elsewhere while
16 prior notice is given to respondent, unless the
17 hardships to respondent from exclusion from the home
18 substantially outweigh those to petitioner;

19 (iii) For the remedy of "possession of personal
20 property" described in Section 214(b)(10), improper
21 disposition of the personal property would be likely
22 to occur if respondent were given any prior notice, or
23 greater notice than was actually given, of
24 petitioner's efforts to obtain judicial relief, or
25 petitioner has an immediate and pressing need for
26 possession of that property.

1 An emergency order may not include the counseling, legal
2 custody, payment of support or monetary compensation remedies.

3 (a-5) When a petition for an emergency order of protection
4 is granted, the order shall not be publicly available until
5 the order is served on the respondent.

6 (b) Appearance by respondent. If respondent appears in
7 court for this hearing for an emergency order, he or she may
8 elect to file a general appearance and testify. Any resulting
9 order may be an emergency order, governed by this Section.
10 Notwithstanding the requirements of this Section, if all
11 requirements of Section 218 have been met, the court may issue
12 a 30-day interim order.

13 (c) Emergency orders: court holidays and evenings.

14 (1) Prerequisites. When the court is unavailable at
15 the close of business, the petitioner may file a petition
16 for a 21-day emergency order before any available circuit
17 judge or associate judge who may grant relief under this
18 Act. If the judge finds that there is an immediate and
19 present danger of abuse to petitioner and that petitioner
20 has satisfied the prerequisites set forth in subsection
21 (a) of Section 217, that judge may issue an emergency
22 order of protection.

23 (1.5) Issuance of order. The chief judge of the
24 circuit court may designate for each county in the circuit
25 at least one judge to be reasonably available to issue
26 orally, by telephone, by facsimile, or otherwise, an

1 emergency order of protection at all times, whether or not
2 the court is in session.

3 (2) Certification and transfer. The judge who issued
4 the order under this Section shall promptly communicate or
5 convey the order to the sheriff to facilitate the entry of
6 the order into the Law Enforcement Agencies Data System by
7 the Illinois State Police pursuant to Section 302. Any
8 order issued under this Section and any documentation in
9 support thereof shall be certified on the next court day
10 to the appropriate court. The clerk of that court shall
11 immediately assign a case number, file the petition, order
12 and other documents with the court, and enter the order of
13 record and file it with the sheriff for service, in
14 accordance with Section 222. Filing the petition shall
15 commence proceedings for further relief under Section 202.
16 Failure to comply with the requirements of this subsection
17 shall not affect the validity of the order.

18 (Source: P.A. 101-255, eff. 1-1-20; 102-538, eff. 8-20-21.)

19 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

20 (Text of Section before amendment by P.A. 101-652)

21 Sec. 223. Enforcement of orders of protection.

22 (a) When violation is crime. A violation of any order of
23 protection, whether issued in a civil or criminal proceeding,
24 shall be enforced by a criminal court when:

25 (1) The respondent commits the crime of violation of

1 an order of protection pursuant to Section 12-3.4 or 12-30
2 of the Criminal Code of 1961 or the Criminal Code of 2012,
3 by having knowingly violated:

4 (i) remedies described in paragraphs (1), (2),
5 (3), (14), ~~or~~ (14.5), or (14.6) of subsection (b) of
6 Section 214 of this Act; or

7 (ii) a remedy, which is substantially similar to
8 the remedies authorized under paragraphs (1), (2),
9 (3), (14), ~~and~~ (14.5), and (14.6) of subsection (b) of
10 Section 214 of this Act, in a valid order of protection
11 which is authorized under the laws of another state,
12 tribe, or United States territory; or

13 (iii) any other remedy when the act constitutes a
14 crime against the protected parties as defined by the
15 Criminal Code of 1961 or the Criminal Code of 2012.

16 Prosecution for a violation of an order of protection
17 shall not bar concurrent prosecution for any other crime,
18 including any crime that may have been committed at the
19 time of the violation of the order of protection; or

20 (2) The respondent commits the crime of child
21 abduction pursuant to Section 10-5 of the Criminal Code of
22 1961 or the Criminal Code of 2012, by having knowingly
23 violated:

24 (i) remedies described in paragraphs (5), (6) or
25 (8) of subsection (b) of Section 214 of this Act; or

26 (ii) a remedy, which is substantially similar to

1 the remedies authorized under paragraphs (5), (6), or
2 (8) of subsection (b) of Section 214 of this Act, in a
3 valid order of protection which is authorized under
4 the laws of another state, tribe, or United States
5 territory.

6 (b) When violation is contempt of court. A violation of
7 any valid Illinois order of protection, whether issued in a
8 civil or criminal proceeding, may be enforced through civil or
9 criminal contempt procedures, as appropriate, by any court
10 with jurisdiction, regardless where the act or acts which
11 violated the order of protection were committed, to the extent
12 consistent with the venue provisions of this Act. Nothing in
13 this Act shall preclude any Illinois court from enforcing any
14 valid order of protection issued in another state. Illinois
15 courts may enforce orders of protection through both criminal
16 prosecution and contempt proceedings, unless the action which
17 is second in time is barred by collateral estoppel or the
18 constitutional prohibition against double jeopardy.

19 (1) In a contempt proceeding where the petition for a
20 rule to show cause sets forth facts evidencing an
21 immediate danger that the respondent will flee the
22 jurisdiction, conceal a child, or inflict physical abuse
23 on the petitioner or minor children or on dependent adults
24 in petitioner's care, the court may order the attachment
25 of the respondent without prior service of the rule to
26 show cause or the petition for a rule to show cause. Bond

1 shall be set unless specifically denied in writing.

2 (2) A petition for a rule to show cause for violation
3 of an order of protection shall be treated as an expedited
4 proceeding.

5 (b-1) The court shall not hold a school district or
6 private or non-public school or any of its employees in civil
7 or criminal contempt unless the school district or private or
8 non-public school has been allowed to intervene.

9 (b-2) The court may hold the parents, guardian, or legal
10 custodian of a minor respondent in civil or criminal contempt
11 for a violation of any provision of any order entered under
12 this Act for conduct of the minor respondent in violation of
13 this Act if the parents, guardian, or legal custodian
14 directed, encouraged, or assisted the respondent minor in such
15 conduct.

16 (c) Violation of custody or support orders or temporary or
17 final judgments allocating parental responsibilities. A
18 violation of remedies described in paragraphs (5), (6), (8),
19 or (9) of subsection (b) of Section 214 of this Act may be
20 enforced by any remedy provided by Section 607.5 of the
21 Illinois Marriage and Dissolution of Marriage Act. The court
22 may enforce any order for support issued under paragraph (12)
23 of subsection (b) of Section 214 in the manner provided for
24 under Parts V and VII of the Illinois Marriage and Dissolution
25 of Marriage Act.

26 (d) Actual knowledge. An order of protection may be

1 enforced pursuant to this Section if the respondent violates
2 the order after the respondent has actual knowledge of its
3 contents as shown through one of the following means:

4 (1) By service, delivery, or notice under Section 210.

5 (2) By notice under Section 210.1 or 211.

6 (3) By service of an order of protection under Section
7 222.

8 (4) By other means demonstrating actual knowledge of
9 the contents of the order.

10 (e) The enforcement of an order of protection in civil or
11 criminal court shall not be affected by either of the
12 following:

13 (1) The existence of a separate, correlative order,
14 entered under Section 215.

15 (2) Any finding or order entered in a conjoined
16 criminal proceeding.

17 (f) Circumstances. The court, when determining whether or
18 not a violation of an order of protection has occurred, shall
19 not require physical manifestations of abuse on the person of
20 the victim.

21 (g) Penalties.

22 (1) Except as provided in paragraph (3) of this
23 subsection, where the court finds the commission of a
24 crime or contempt of court under subsections (a) or (b) of
25 this Section, the penalty shall be the penalty that
26 generally applies in such criminal or contempt

1 proceedings, and may include one or more of the following:
2 incarceration, payment of restitution, a fine, payment of
3 attorneys' fees and costs, or community service.

4 (2) The court shall hear and take into account
5 evidence of any factors in aggravation or mitigation
6 before deciding an appropriate penalty under paragraph (1)
7 of this subsection.

8 (3) To the extent permitted by law, the court is
9 encouraged to:

10 (i) increase the penalty for the knowing violation
11 of any order of protection over any penalty previously
12 imposed by any court for respondent's violation of any
13 order of protection or penal statute involving
14 petitioner as victim and respondent as defendant;

15 (ii) impose a minimum penalty of 24 hours
16 imprisonment for respondent's first violation of any
17 order of protection; and

18 (iii) impose a minimum penalty of 48 hours
19 imprisonment for respondent's second or subsequent
20 violation of an order of protection

21 unless the court explicitly finds that an increased
22 penalty or that period of imprisonment would be manifestly
23 unjust.

24 (4) In addition to any other penalties imposed for a
25 violation of an order of protection, a criminal court may
26 consider evidence of any violations of an order of

1 protection:

2 (i) to increase, revoke or modify the bail bond on
3 an underlying criminal charge pursuant to Section
4 110-6 of the Code of Criminal Procedure of 1963;

5 (ii) to revoke or modify an order of probation,
6 conditional discharge or supervision, pursuant to
7 Section 5-6-4 of the Unified Code of Corrections;

8 (iii) to revoke or modify a sentence of periodic
9 imprisonment, pursuant to Section 5-7-2 of the Unified
10 Code of Corrections.

11 (5) In addition to any other penalties, the court
12 shall impose an additional fine of \$20 as authorized by
13 Section 5-9-1.11 of the Unified Code of Corrections upon
14 any person convicted of or placed on supervision for a
15 violation of an order of protection. The additional fine
16 shall be imposed for each violation of this Section.

17 (Source: P.A. 99-90, eff. 1-1-16.)

18 (Text of Section after amendment by P.A. 101-652)

19 Sec. 223. Enforcement of orders of protection.

20 (a) When violation is crime. A violation of any order of
21 protection, whether issued in a civil or criminal proceeding,
22 shall be enforced by a criminal court when:

23 (1) The respondent commits the crime of violation of
24 an order of protection pursuant to Section 12-3.4 or 12-30
25 of the Criminal Code of 1961 or the Criminal Code of 2012,

1 by having knowingly violated:

2 (i) remedies described in paragraphs (1), (2),
3 (3), (14), ~~or~~ (14.5), or (14.6) of subsection (b) of
4 Section 214 of this Act; or

5 (ii) a remedy, which is substantially similar to
6 the remedies authorized under paragraphs (1), (2),
7 (3), (14), ~~and~~ (14.5), and (14.6) of subsection (b) of
8 Section 214 of this Act, in a valid order of protection
9 which is authorized under the laws of another state,
10 tribe, or United States territory; or

11 (iii) any other remedy when the act constitutes a
12 crime against the protected parties as defined by the
13 Criminal Code of 1961 or the Criminal Code of 2012.

14 Prosecution for a violation of an order of protection
15 shall not bar concurrent prosecution for any other crime,
16 including any crime that may have been committed at the
17 time of the violation of the order of protection; or

18 (2) The respondent commits the crime of child
19 abduction pursuant to Section 10-5 of the Criminal Code of
20 1961 or the Criminal Code of 2012, by having knowingly
21 violated:

22 (i) remedies described in paragraphs (5), (6) or
23 (8) of subsection (b) of Section 214 of this Act; or

24 (ii) a remedy, which is substantially similar to
25 the remedies authorized under paragraphs (5), (6), or
26 (8) of subsection (b) of Section 214 of this Act, in a

1 valid order of protection which is authorized under
2 the laws of another state, tribe, or United States
3 territory.

4 (b) When violation is contempt of court. A violation of
5 any valid Illinois order of protection, whether issued in a
6 civil or criminal proceeding, may be enforced through civil or
7 criminal contempt procedures, as appropriate, by any court
8 with jurisdiction, regardless where the act or acts which
9 violated the order of protection were committed, to the extent
10 consistent with the venue provisions of this Act. Nothing in
11 this Act shall preclude any Illinois court from enforcing any
12 valid order of protection issued in another state. Illinois
13 courts may enforce orders of protection through both criminal
14 prosecution and contempt proceedings, unless the action which
15 is second in time is barred by collateral estoppel or the
16 constitutional prohibition against double jeopardy.

17 (1) In a contempt proceeding where the petition for a
18 rule to show cause sets forth facts evidencing an
19 immediate danger that the respondent will flee the
20 jurisdiction, conceal a child, or inflict physical abuse
21 on the petitioner or minor children or on dependent adults
22 in petitioner's care, the court may order the attachment
23 of the respondent without prior service of the rule to
24 show cause or the petition for a rule to show cause.
25 Conditions of release shall be set unless specifically
26 denied in writing.

1 (2) A petition for a rule to show cause for violation
2 of an order of protection shall be treated as an expedited
3 proceeding.

4 (b-1) The court shall not hold a school district or
5 private or non-public school or any of its employees in civil
6 or criminal contempt unless the school district or private or
7 non-public school has been allowed to intervene.

8 (b-2) The court may hold the parents, guardian, or legal
9 custodian of a minor respondent in civil or criminal contempt
10 for a violation of any provision of any order entered under
11 this Act for conduct of the minor respondent in violation of
12 this Act if the parents, guardian, or legal custodian
13 directed, encouraged, or assisted the respondent minor in such
14 conduct.

15 (c) Violation of custody or support orders or temporary or
16 final judgments allocating parental responsibilities. A
17 violation of remedies described in paragraphs (5), (6), (8),
18 or (9) of subsection (b) of Section 214 of this Act may be
19 enforced by any remedy provided by Section 607.5 of the
20 Illinois Marriage and Dissolution of Marriage Act. The court
21 may enforce any order for support issued under paragraph (12)
22 of subsection (b) of Section 214 in the manner provided for
23 under Parts V and VII of the Illinois Marriage and Dissolution
24 of Marriage Act.

25 (d) Actual knowledge. An order of protection may be
26 enforced pursuant to this Section if the respondent violates

1 the order after the respondent has actual knowledge of its
2 contents as shown through one of the following means:

3 (1) By service, delivery, or notice under Section 210.

4 (2) By notice under Section 210.1 or 211.

5 (3) By service of an order of protection under Section
6 222.

7 (4) By other means demonstrating actual knowledge of
8 the contents of the order.

9 (e) The enforcement of an order of protection in civil or
10 criminal court shall not be affected by either of the
11 following:

12 (1) The existence of a separate, correlative order,
13 entered under Section 215.

14 (2) Any finding or order entered in a conjoined
15 criminal proceeding.

16 (f) Circumstances. The court, when determining whether or
17 not a violation of an order of protection has occurred, shall
18 not require physical manifestations of abuse on the person of
19 the victim.

20 (g) Penalties.

21 (1) Except as provided in paragraph (3) of this
22 subsection, where the court finds the commission of a
23 crime or contempt of court under subsections (a) or (b) of
24 this Section, the penalty shall be the penalty that
25 generally applies in such criminal or contempt
26 proceedings, and may include one or more of the following:

1 incarceration, payment of restitution, a fine, payment of
2 attorneys' fees and costs, or community service.

3 (2) The court shall hear and take into account
4 evidence of any factors in aggravation or mitigation
5 before deciding an appropriate penalty under paragraph (1)
6 of this subsection.

7 (3) To the extent permitted by law, the court is
8 encouraged to:

9 (i) increase the penalty for the knowing violation
10 of any order of protection over any penalty previously
11 imposed by any court for respondent's violation of any
12 order of protection or penal statute involving
13 petitioner as victim and respondent as defendant;

14 (ii) impose a minimum penalty of 24 hours
15 imprisonment for respondent's first violation of any
16 order of protection; and

17 (iii) impose a minimum penalty of 48 hours
18 imprisonment for respondent's second or subsequent
19 violation of an order of protection
20 unless the court explicitly finds that an increased
21 penalty or that period of imprisonment would be manifestly
22 unjust.

23 (4) In addition to any other penalties imposed for a
24 violation of an order of protection, a criminal court may
25 consider evidence of any violations of an order of
26 protection:

1 (i) to increase, revoke or modify the conditions
2 of pretrial release on an underlying criminal charge
3 pursuant to Section 110-6 of the Code of Criminal
4 Procedure of 1963;

5 (ii) to revoke or modify an order of probation,
6 conditional discharge or supervision, pursuant to
7 Section 5-6-4 of the Unified Code of Corrections;

8 (iii) to revoke or modify a sentence of periodic
9 imprisonment, pursuant to Section 5-7-2 of the Unified
10 Code of Corrections.

11 (5) In addition to any other penalties, the court
12 shall impose an additional fine of \$20 as authorized by
13 Section 5-9-1.11 of the Unified Code of Corrections upon
14 any person convicted of or placed on supervision for a
15 violation of an order of protection. The additional fine
16 shall be imposed for each violation of this Section.

17 (Source: P.A. 101-652, eff. 1-1-23.)

18 Section 95. No acceleration or delay. Where this Act makes
19 changes in a statute that is represented in this Act by text
20 that is not yet or no longer in effect (for example, a Section
21 represented by multiple versions), the use of that text does
22 not accelerate or delay the taking effect of (i) the changes
23 made by this Act or (ii) provisions derived from any other
24 Public Act."