



Rep. Denyse Wang Stoneback

Filed: 2/9/2022

10200HB2541ham002

LRB102 11879 LNS 36063 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 the Illinois State Police;
15 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 Nothing in this Section supersedes a court's authority to
20 order a person who receives a revocation notice to surrender
21 the person's firearms to a law enforcement agency of the
22 court's choosing.

23 (b) Upon confirming through the portal created under
24 Section 2605-304 of the Illinois Department of State Police
25 Law of the Civil Administrative Code of Illinois that the
26 Firearm Owner's Identification Card has been revoked by the

1 Illinois State Police, surrendered cards shall be destroyed by
2 the law enforcement agency receiving the cards. If a card has
3 not been revoked, the card shall be returned to the
4 cardholder. ~~Illinois~~

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

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11 Card has been revoked has either lost or destroyed the Card,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

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

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20 Card has been revoked fails to comply with the requirements of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26 Identification Card has been revoked.

1 (d) A violation of subsection (a) of this Section is a
2 Class A misdemeanor.

3 (e) The observation of a Firearm Owner's Identification
4 Card in the possession of a person whose Firearm Owner's
5 Identification Card has been revoked constitutes a sufficient
6 basis for the arrest of that person for violation of this
7 Section.

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

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

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

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

23 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

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

1 remedies.

2 (a) (Blank).

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

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

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

23 (A) Right to occupancy. A party has a right to
24 occupancy of a residence or household if it is solely
25 or jointly owned or leased by that party, that party's
26 spouse, a person with a legal duty to support that

1 party or a minor child in that party's care, or by any
2 person or entity other than the opposing party that
3 authorizes that party's occupancy (e.g., a domestic
4 violence shelter). Standards set forth in subparagraph
5 (B) shall not preclude equitable relief.

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

22 The balance of hardships is presumed to favor
23 possession by petitioner unless the presumption is
24 rebutted by a preponderance of the evidence, showing
25 that the hardships to respondent substantially
26 outweigh the hardships to petitioner and any minor

1 child or dependent adult in petitioner's care. The
2 court, on the request of petitioner or on its own
3 motion, may order respondent to provide suitable,
4 accessible, alternate housing for petitioner instead
5 of excluding respondent from a mutual residence or
6 household.

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

17 (A) If a domestic violence order of protection
18 grants petitioner exclusive possession of the
19 residence, prohibits respondent from entering the
20 residence, or orders respondent to stay away from
21 petitioner or other protected persons, then the court
22 may allow respondent access to the residence to remove
23 items of clothing and personal adornment used
24 exclusively by respondent, medications, and other
25 items as the court directs. The right to access shall
26 be exercised on only one occasion as the court directs

1 and in the presence of an agreed-upon adult third
2 party or law enforcement officer.

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

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

1 transportation and other costs associated with the
2 transfer or change.

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

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

24 (5) Physical care and possession of the minor child.
25 In order to protect the minor child from abuse, neglect,
26 or unwarranted separation from the person who has been the

1 minor child's primary caretaker, or to otherwise protect
2 the well-being of the minor child, the court may do either
3 or both of the following: (i) grant petitioner physical
4 care or possession of the minor child, or both, or (ii)
5 order respondent to return a minor child to, or not remove
6 a minor child from, the physical care of a parent or person
7 in loco parentis.

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

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

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

25 (7) Parenting time. Determine the parenting time, if
26 any, of respondent in any case in which the court awards

1 physical care or temporary significant decision-making
2 responsibility of a minor child to petitioner. The court
3 shall restrict or deny respondent's parenting time with a
4 minor child if the court finds that respondent has done or
5 is likely to do any of the following:

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

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

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

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

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

1 in a violent or abusive manner. If necessary to protect
2 any member of petitioner's family or household from future
3 abuse, respondent shall be prohibited from coming to
4 petitioner's residence to meet the minor child for
5 parenting time, and the petitioner and respondent shall
6 submit to the court their recommendations for reasonable
7 alternative arrangements for parenting time. A person may
8 be approved to supervise parenting time only after filing
9 an affidavit accepting that responsibility and
10 acknowledging accountability to the court.

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

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

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

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

26 (ii) the petitioner and respondent own the

1 property jointly; sharing it would risk abuse of
2 petitioner by respondent or is impracticable; and the
3 balance of hardships favors temporary possession by
4 petitioner.

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

12 No order under this provision shall affect title to
13 property.

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

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

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

24 If petitioner's sole claim to ownership of the
25 property is that it is marital property, the court may
26 grant petitioner relief under subparagraph (ii) of this

1 paragraph only if a proper proceeding has been filed under
2 the Illinois Marriage and Dissolution of Marriage Act, as
3 now or hereafter amended.

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

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

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

1 child, or an order or agreement for physical care of a
2 child, prior to entry of an order allocating significant
3 decision-making responsibility. Such a support order shall
4 expire upon entry of a valid order allocating parental
5 responsibility differently and vacating petitioner's
6 significant decision-making responsibility unless
7 otherwise provided in the order.

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

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

25 (ii) Recovery of expenses. In the case of an
26 improper concealment or removal of a minor child, the

1 court may order respondent to pay the reasonable
2 expenses incurred or to be incurred in the search for
3 and recovery of the minor child, including, but not
4 limited to, legal fees, court costs, private
5 investigator fees, and travel costs.

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

11 (14.5) Prohibition of firearm possession.

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

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

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

4 (ii) in the case of a final order, for the
5 duration of the domestic violence order of
6 protection or 2 years, whichever is longer.

7 The court shall issue an order that the respondent
8 comply with Section 9.5 of the Firearm Owners
9 Identification Card Act. ~~Illinois~~

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

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

21 (ii) in the case of a final order, for the
22 duration of the domestic violence order of
23 protection or 2 years, whichever is longer.

24 (D) Upon expiration of the period of surrender
25 ~~safekeeping~~, if the firearms or Firearm Owner's
26 Identification Card cannot be returned to respondent

1 because respondent cannot be located, fails to respond
2 to requests to retrieve the firearms, or is not
3 lawfully eligible to possess a firearm, upon petition
4 from the local law enforcement agency, the court may
5 order the local law enforcement agency to destroy the
6 firearms, use the firearms for training purposes, or
7 for any other application as deemed appropriate by the
8 local law enforcement agency; or that the firearms be
9 turned over to a third party who is lawfully eligible
10 to possess firearms, and who does not reside with
11 respondent.

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

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

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

10 (18) Telephone services.

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

1 Commerce Commission. The order shall contain all of
2 the following:

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

7 (ii) Each telephone number that will be
8 transferred.

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

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

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

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

25 (iii) The transfer would cause a geographic or
26 other limitation on network or service provision

1 to the petitioner.

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

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

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

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

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

1 Commission within 30 days of such change.

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

9 (c) Relevant factors; findings.

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

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

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

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

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

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

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

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

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

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

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

26 (4) (Blank).

1 (5) Never married parties. No rights or
2 responsibilities for a minor child born outside of
3 marriage attach to a putative father until a father and
4 child relationship has been established under the Illinois
5 Parentage Act of 1984, the Illinois Parentage Act of 2015,
6 the Illinois Public Aid Code, Section 12 of the Vital
7 Records Act, the Juvenile Court Act of 1987, the Probate
8 Act of 1975, the Uniform Interstate Family Support Act,
9 the Expedited Child Support Act of 1990, any judicial,
10 administrative, or other act of another state or
11 territory, any other statute of this State, or by any
12 foreign nation establishing the father and child
13 relationship, any other proceeding substantially in
14 conformity with the federal Personal Responsibility and
15 Work Opportunity Reconciliation Act of 1996, or when both
16 parties appeared in open court or at an administrative
17 hearing acknowledging under oath or admitting by
18 affirmation the existence of a father and child
19 relationship. Absent such an adjudication, no putative
20 father shall be granted temporary allocation of parental
21 responsibilities, including parenting time with the minor
22 child, or physical care and possession of the minor child,
23 nor shall an order of payment for support of the minor
24 child be entered.

25 (d) Balance of hardships; findings. If the court finds
26 that the balance of hardships does not support the granting of

1 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
2 subsection (b) of this Section, which may require such
3 balancing, the court's findings shall so indicate and shall
4 include a finding as to whether granting the remedy will
5 result in hardship to respondent that would substantially
6 outweigh the hardship to petitioner from denial of the remedy.
7 The findings shall be an official record or in writing.

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

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

13 (2) respondent was voluntarily intoxicated;

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

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

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

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

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

1 or household members.

2 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
3 102-538, eff. 8-20-21; revised 11-2-21.)

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

6 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

7 Sec. 214. Order of protection; remedies.

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

23 (a-1) If the respondent to an order of protection issued
24 under subsection (a) is subject to paragraph (14.5) or (14.6)

1 of subsection (b), the order of protection shall also include
2 an order to surrender firearms. The order to surrender
3 firearms shall require the respondent to surrender any firearm
4 on the day the respondent is served with the order of
5 protection. Upon the respondent surrendering any firearm to
6 the appropriate law enforcement agency, the law enforcement
7 agency shall provide a statement of receipt of any firearm,
8 with a description of any firearm surrendered, to the
9 respondent and the court. This statement of receipt shall be
10 considered proof of compliance with an order to surrender
11 firearms and may be presented as proof at a hearing.

12 The failure to surrender any firearm within 24 hours to
13 the appropriate law enforcement agency under an order to
14 surrender firearms shall constitute contempt of court for the
15 violation of the terms of the order of protection.

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

25 (b) Remedies and standards. The remedies to be included in
26 an order of protection shall be determined in accordance with

1 this Section and one of the following Sections, as
2 appropriate: Section 217 on emergency orders, Section 218 on
3 interim orders, and Section 219 on plenary orders. The
4 remedies listed in this subsection shall be in addition to
5 other civil or criminal remedies available to petitioner.

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

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

25 (A) Right to occupancy. A party has a right to
26 occupancy of a residence or household if it is solely

1 or jointly owned or leased by that party, that party's
2 spouse, a person with a legal duty to support that
3 party or a minor child in that party's care, or by any
4 person or entity other than the opposing party that
5 authorizes that party's occupancy (e.g., a domestic
6 violence shelter). Standards set forth in subparagraph
7 (B) shall not preclude equitable relief.

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

24 The balance of hardships is presumed to favor
25 possession by petitioner unless the presumption is
26 rebutted by a preponderance of the evidence, showing

1 that the hardships to respondent substantially
2 outweigh the hardships to petitioner and any minor
3 child or dependent adult in petitioner's care. The
4 court, on the request of petitioner or on its own
5 motion, may order respondent to provide suitable,
6 accessible, alternate housing for petitioner instead
7 of excluding respondent from a mutual residence or
8 household.

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

19 (A) If an order of protection grants petitioner
20 exclusive possession of the residence, or prohibits
21 respondent from entering the residence, or orders
22 respondent to stay away from petitioner or other
23 protected persons, then the court may allow respondent
24 access to the residence to remove items of clothing
25 and personal adornment used exclusively by respondent,
26 medications, and other items as the court directs. The

1 right to access shall be exercised on only one
2 occasion as the court directs and in the presence of an
3 agreed-upon adult third party or law enforcement
4 officer.

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

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

1 the respondent's program, the parents, guardian, or
2 legal custodian of the respondent is responsible for
3 transportation and other costs associated with the
4 transfer or change.

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

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

26 (5) Physical care and possession of the minor child.

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

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

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

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

1 best interest.

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

22 Petitioner may deny respondent access to the minor
23 child if, when respondent arrives for parenting time,
24 respondent is under the influence of drugs or alcohol and
25 constitutes a threat to the safety and well-being of
26 petitioner or petitioner's minor children or is behaving

1 in a violent or abusive manner.

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

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

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

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

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

26 (ii) the parties own the property jointly; sharing

1 it would risk abuse of petitioner by respondent or is
2 impracticable; and the balance of hardships favors
3 temporary possession by petitioner.

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

11 No order under this provision shall affect title to
12 property.

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

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

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

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

1 now or hereafter amended.

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

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

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

1 decision-making responsibility. Such a support order shall
2 expire upon entry of a valid order allocating parental
3 responsibility differently and vacating the petitioner's
4 significant decision-making authority, unless otherwise
5 provided in the order.

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

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

24 (ii) Recovery of expenses. In the case of an
25 improper concealment or removal of a minor child, the
26 court may order respondent to pay the reasonable

1 expenses incurred or to be incurred in the search for
2 and recovery of the minor child, including but not
3 limited to legal fees, court costs, private
4 investigator fees, and travel costs.

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

10 (14.5) Prohibition of firearm possession; plenary
11 orders.

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

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

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

26 (3) (i) includes a finding that such person

1 represents a credible threat to the physical
2 safety of such intimate partner or child; or (ii)
3 by its terms explicitly prohibits the use,
4 attempted use, or threatened use of physical force
5 against such intimate partner or child that would
6 reasonably be expected to cause bodily injury.

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

1 protection or 2 years, whichever is longer. The
2 Illinois State Police shall make notification to the
3 local law enforcement with jurisdiction of the
4 suspension or revocation. The firearm or firearms and
5 ~~Firearm Owner's Identification Card, if unexpired,~~
6 ~~shall at the respondent's request, be returned to the~~
7 ~~respondent at the end of the order of protection. It is~~
8 ~~the respondent's responsibility to notify the Illinois~~
9 ~~State Police Firearm Owner's Identification Card~~
10 ~~Office.~~

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

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

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

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

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

22 (14.6) Prohibition of firearm possession; emergency
23 orders.

24 (a) Any Firearm Owner's Identification Card in the
25 possession of the respondent, except as provided in
26 subparagraph (b), shall be suspended consistent with

1 Section 8.2 of the Firearm Owners Identification Act,
2 and the respondent shall be ordered by the court to
3 surrender the card and any firearm in the respondent's
4 possession consistent with Sections 8.3 and 9.5 of the
5 Firearm Owners Identification Act. The period of
6 surrender shall be for the duration of the order of
7 protection.

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

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

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

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

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

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

1 records of the minor child who is in the care of
2 petitioner.

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

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

18 (18) Telephone services.

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

1 For purposes of this paragraph (18), the term
2 "wireless telephone service provider" means a provider
3 of commercial mobile service as defined in 47 U.S.C.
4 332. The petitioner may request the transfer of each
5 telephone number that the petitioner, or a minor child
6 in his or her custody, uses. The clerk of the court
7 shall serve the order on the wireless telephone
8 service provider's agent for service of process
9 provided to the Illinois Commerce Commission. The
10 order shall contain all of the following:

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

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

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

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

1 following applies:

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

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

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

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

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

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

25 (E) Except for willful or wanton misconduct, a
26 wireless telephone service provider is immune from

1 civil liability for its actions taken in compliance
2 with a court order issued under this paragraph.

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

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

17 (c) Relevant factors; findings.

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

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

1 notice, and the likelihood of danger of future abuse,
2 neglect, or exploitation to petitioner or any member
3 of petitioner's or respondent's family or household;
4 and

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

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

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

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

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

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

26 (i) That the court has considered the applicable

1 relevant factors described in paragraphs (1) and (2)
2 of this subsection.

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

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

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

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

24 (5) Never married parties. No rights or
25 responsibilities for a minor child born outside of
26 marriage attach to a putative father until a father and

1 child relationship has been established under the Illinois
2 Parentage Act of 1984, the Illinois Parentage Act of 2015,
3 the Illinois Public Aid Code, Section 12 of the Vital
4 Records Act, the Juvenile Court Act of 1987, the Probate
5 Act of 1975, the Revised Uniform Reciprocal Enforcement of
6 Support Act, the Uniform Interstate Family Support Act,
7 the Expedited Child Support Act of 1990, any judicial,
8 administrative, or other act of another state or
9 territory, any other Illinois statute, or by any foreign
10 nation establishing the father and child relationship, any
11 other proceeding substantially in conformity with the
12 Personal Responsibility and Work Opportunity
13 Reconciliation Act of 1996 (Pub. L. 104-193), or where
14 both parties appeared in open court or at an
15 administrative hearing acknowledging under oath or
16 admitting by affirmation the existence of a father and
17 child relationship. Absent such an adjudication, finding,
18 or acknowledgment, no putative father shall be granted
19 temporary allocation of parental responsibilities,
20 including parenting time with the minor child, or physical
21 care and possession of the minor child, nor shall an order
22 of payment for support of the minor child be entered.

23 (d) Balance of hardships; findings. If the court finds
24 that the balance of hardships does not support the granting of
25 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
26 subsection (b) of this Section, which may require such

1 balancing, the court's findings shall so indicate and shall
2 include a finding as to whether granting the remedy will
3 result in hardship to respondent that would substantially
4 outweigh the hardship to petitioner from denial of the remedy.
5 The findings shall be an official record or in writing.

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

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

11 (2) Respondent was voluntarily intoxicated;

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

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

18 (5) Petitioner left the residence or household to
19 avoid further abuse, neglect, or exploitation by
20 respondent;

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

24 (7) Conduct by any family or household member excused
25 the abuse, neglect, or exploitation by respondent, unless
26 that same conduct would have excused such abuse, neglect,

1 or exploitation if the parties had not been family or
2 household members.

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

4 (750 ILCS 60/217) (from Ch. 40, par. 2312-17)

5 Sec. 217. Emergency order of protection.

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

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

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

12 (3) There is good cause to grant the remedy,
13 regardless of prior service of process or of notice upon
14 the respondent, because:

15 (i) For the remedies of "prohibition of abuse"
16 described in Section 214(b)(1), "stay away order and
17 additional prohibitions" described in Section
18 214(b)(3), "removal or concealment of minor child"
19 described in Section 214(b)(8), "order to appear"
20 described in Section 214(b)(9), "physical care and
21 possession of the minor child" described in Section
22 214(b)(5), "protection of property" described in
23 Section 214(b)(11), "prohibition of entry" described
24 in Section 214(b)(14), "prohibition of firearm
25 possession" described in Section 214(b)(14.6)

1 ~~214(b)(14.5)~~, "prohibition of access to records"
2 described in Section 214(b)(15), and "injunctive
3 relief" described in Section 214(b)(16), the harm
4 which that remedy is intended to prevent would be
5 likely to occur if the respondent were given any prior
6 notice, or greater notice than was actually given, of
7 the petitioner's efforts to obtain judicial relief;

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

23 (iii) For the remedy of "possession of personal
24 property" described in Section 214(b)(10), improper
25 disposition of the personal property would be likely
26 to occur if respondent were given any prior notice, or

1 greater notice than was actually given, of
2 petitioner's efforts to obtain judicial relief, or
3 petitioner has an immediate and pressing need for
4 possession of that property.

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

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

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

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

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

1 (1.5) Issuance of order. The chief judge of the
2 circuit court may designate for each county in the circuit
3 at least one judge to be reasonably available to issue
4 orally, by telephone, by facsimile, or otherwise, an
5 emergency order of protection at all times, whether or not
6 the court is in session.

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

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

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

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

25 Sec. 223. Enforcement of orders of protection.

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

4 (1) The respondent commits the crime of violation of
5 an order of protection pursuant to Section 12-3.4 or 12-30
6 of the Criminal Code of 1961 or the Criminal Code of 2012,
7 by having knowingly violated:

8 (i) remedies described in paragraphs (1), (2),
9 (3), (14), ~~or~~ (14.5), or (14.6) of subsection (b) of
10 Section 214 of this Act; or

11 (ii) a remedy, which is substantially similar to
12 the remedies authorized under paragraphs (1), (2),
13 (3), (14), ~~and~~ (14.5), and (14.6) of subsection (b) of
14 Section 214 of this Act, in a valid order of protection
15 which is authorized under the laws of another state,
16 tribe, or United States territory; or

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

20 Prosecution for a violation of an order of protection
21 shall not bar concurrent prosecution for any other crime,
22 including any crime that may have been committed at the
23 time of the violation of the order of protection; or

24 (2) The respondent commits the crime of child
25 abduction pursuant to Section 10-5 of the Criminal Code of
26 1961 or the Criminal Code of 2012, by having knowingly

1 violated:

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

4 (ii) a remedy, which is substantially similar to
5 the remedies authorized under paragraphs (5), (6), or
6 (8) of subsection (b) of Section 214 of this Act, in a
7 valid order of protection which is authorized under
8 the laws of another state, tribe, or United States
9 territory.

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

23 (1) In a contempt proceeding where the petition for a
24 rule to show cause sets forth facts evidencing an
25 immediate danger that the respondent will flee the
26 jurisdiction, conceal a child, or inflict physical abuse

1 on the petitioner or minor children or on dependent adults
2 in petitioner's care, the court may order the attachment
3 of the respondent without prior service of the rule to
4 show cause or the petition for a rule to show cause. Bond
5 shall be set unless specifically denied in writing.

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

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

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

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

1 of subsection (b) of Section 214 in the manner provided for
2 under Parts V and VII of the Illinois Marriage and Dissolution
3 of Marriage Act.

4 (d) Actual knowledge. An order of protection may be
5 enforced pursuant to this Section if the respondent violates
6 the order after the respondent has actual knowledge of its
7 contents as shown through one of the following means:

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

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

10 (3) By service of an order of protection under Section
11 222.

12 (4) By other means demonstrating actual knowledge of
13 the contents of the order.

14 (e) The enforcement of an order of protection in civil or
15 criminal court shall not be affected by either of the
16 following:

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

19 (2) Any finding or order entered in a conjoined
20 criminal proceeding.

21 (f) Circumstances. The court, when determining whether or
22 not a violation of an order of protection has occurred, shall
23 not require physical manifestations of abuse on the person of
24 the victim.

25 (g) Penalties.

26 (1) Except as provided in paragraph (3) of this

1 subsection, where the court finds the commission of a
2 crime or contempt of court under subsections (a) or (b) of
3 this Section, the penalty shall be the penalty that
4 generally applies in such criminal or contempt
5 proceedings, and may include one or more of the following:
6 incarceration, payment of restitution, a fine, payment of
7 attorneys' fees and costs, or community service.

8 (2) The court shall hear and take into account
9 evidence of any factors in aggravation or mitigation
10 before deciding an appropriate penalty under paragraph (1)
11 of this subsection.

12 (3) To the extent permitted by law, the court is
13 encouraged to:

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

19 (ii) impose a minimum penalty of 24 hours
20 imprisonment for respondent's first violation of any
21 order of protection; and

22 (iii) impose a minimum penalty of 48 hours
23 imprisonment for respondent's second or subsequent
24 violation of an order of protection

25 unless the court explicitly finds that an increased
26 penalty or that period of imprisonment would be manifestly

1 unjust.

2 (4) In addition to any other penalties imposed for a
3 violation of an order of protection, a criminal court may
4 consider evidence of any violations of an order of
5 protection:

6 (i) to increase, revoke or modify the bail bond on
7 an underlying criminal charge pursuant to Section
8 110-6 of the Code of Criminal Procedure of 1963;

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

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

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

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

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

23 Sec. 223. Enforcement of orders of protection.

24 (a) When violation is crime. A violation of any order of
25 protection, whether issued in a civil or criminal proceeding,

1 shall be enforced by a criminal court when:

2 (1) The respondent commits the crime of violation of
3 an order of protection pursuant to Section 12-3.4 or 12-30
4 of the Criminal Code of 1961 or the Criminal Code of 2012,
5 by having knowingly violated:

6 (i) remedies described in paragraphs (1), (2),
7 (3), (14), ~~or~~ (14.5), or (14.6) of subsection (b) of
8 Section 214 of this Act; or

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

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

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

22 (2) The respondent commits the crime of child
23 abduction pursuant to Section 10-5 of the Criminal Code of
24 1961 or the Criminal Code of 2012, by having knowingly
25 violated:

26 (i) remedies described in paragraphs (5), (6) or

1 (8) of subsection (b) of Section 214 of this Act; or

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

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

21 (1) In a contempt proceeding where the petition for a
22 rule to show cause sets forth facts evidencing an
23 immediate danger that the respondent will flee the
24 jurisdiction, conceal a child, or inflict physical abuse
25 on the petitioner or minor children or on dependent adults
26 in petitioner's care, the court may order the attachment

1 of the respondent without prior service of the rule to
2 show cause or the petition for a rule to show cause.
3 Conditions of release shall be set unless specifically
4 denied in writing.

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

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

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

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

1 under Parts V and VII of the Illinois Marriage and Dissolution
2 of Marriage Act.

3 (d) Actual knowledge. An order of protection may be
4 enforced pursuant to this Section if the respondent violates
5 the order after the respondent has actual knowledge of its
6 contents as shown through one of the following means:

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

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

9 (3) By service of an order of protection under Section
10 222.

11 (4) By other means demonstrating actual knowledge of
12 the contents of the order.

13 (e) The enforcement of an order of protection in civil or
14 criminal court shall not be affected by either of the
15 following:

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

18 (2) Any finding or order entered in a conjoined
19 criminal proceeding.

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

24 (g) Penalties.

25 (1) Except as provided in paragraph (3) of this
26 subsection, where the court finds the commission of a

1 crime or contempt of court under subsections (a) or (b) of
2 this Section, the penalty shall be the penalty that
3 generally applies in such criminal or contempt
4 proceedings, and may include one or more of the following:
5 incarceration, payment of restitution, a fine, payment of
6 attorneys' fees and costs, or community service.

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

11 (3) To the extent permitted by law, the court is
12 encouraged to:

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

18 (ii) impose a minimum penalty of 24 hours
19 imprisonment for respondent's first violation of any
20 order of protection; and

21 (iii) impose a minimum penalty of 48 hours
22 imprisonment for respondent's second or subsequent
23 violation of an order of protection

24 unless the court explicitly finds that an increased
25 penalty or that period of imprisonment would be manifestly
26 unjust.

1 (4) In addition to any other penalties imposed for a
2 violation of an order of protection, a criminal court may
3 consider evidence of any violations of an order of
4 protection:

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

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

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

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

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

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.".