



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1404

Introduced 1/31/2023, by Rep. Maura Hirschauer

SYNOPSIS AS INTRODUCED:

725 ILCS 5/112A-14	from Ch. 38, par. 112A-14
750 ILCS 60/214	from Ch. 40, par. 2312-14
750 ILCS 60/217	from Ch. 40, par. 2312-17
750 ILCS 60/223	from Ch. 40, par. 2312-23

Amends the Illinois Domestic Violence Act of 1986. Provides that if a respondent to an order of protection is subject to remedies prohibiting firearm possession, the order of protection shall also include an order to surrender firearms. Sets forth requirements for the surrendering of any firearm and law enforcement agencies providing statements of receipt of firearms. Provides that the failure to surrender any firearm within 24 hours to the appropriate law enforcement agency under an order to surrender firearms shall constitute contempt of court for the violation of the terms of the order of protection. Requires the Supreme Court to adopt a form for an order to surrender firearms and update any existing forms for an order of protection. Makes corresponding changes in the Act and the Code of Criminal Procedure of 1963.

LRB103 25023 LNS 51357 b

1 AN ACT concerning domestic violence.

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

4 Section 30. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 112A-14 as follows:

6 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

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

9 (a) (Blank).

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

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

20 (2) Grant of exclusive possession of residence.
21 Prohibit respondent from entering or remaining in any
22 residence, household, or premises of the petitioner,
23 including one owned or leased by respondent, if petitioner

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Marriage and Dissolution of Marriage Act, the Illinois
2 Parentage Act of 2015, and this State's Uniform
3 Child-Custody Jurisdiction and Enforcement Act.

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

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

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

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

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

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

25 The court shall not be limited by the standards set
26 forth in Section 603.10 of the Illinois Marriage and

1 Dissolution of Marriage Act. If the court grants parenting
2 time, the order shall specify dates and times for the
3 parenting time to take place or other specific parameters
4 or conditions that are appropriate. No order for parenting
5 time shall refer merely to the term "reasonable parenting
6 time". Petitioner may deny respondent access to the minor
7 child if, when respondent arrives for parenting time,
8 respondent is under the influence of drugs or alcohol and
9 constitutes a threat to the safety and well-being of
10 petitioner or petitioner's minor children or is behaving
11 in a violent or abusive manner. If necessary to protect
12 any member of petitioner's family or household from future
13 abuse, respondent shall be prohibited from coming to
14 petitioner's residence to meet the minor child for
15 parenting time, and the petitioner and respondent shall
16 submit to the court their recommendations for reasonable
17 alternative arrangements for parenting time. A person may
18 be approved to supervise parenting time only after filing
19 an affidavit accepting that responsibility and
20 acknowledging accountability to the court.

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

24 (9) Order to appear. Order the respondent to appear in
25 court, alone or with a minor child, to prevent abuse,
26 neglect, removal or concealment of the child, to return

1 the child to the custody or care of the petitioner, or to
2 permit any court-ordered interview or examination of the
3 child or the respondent.

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

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

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

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

22 No order under this provision shall affect title to
23 property.

24 (11) Protection of property. Forbid the respondent
25 from taking, transferring, encumbering, concealing,
26 damaging, or otherwise disposing of any real or personal

1 property, except as explicitly authorized by the court,
2 if:

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

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

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

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

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

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

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

26 (i) Losses affecting family needs. If a party is

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

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

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

21 (14.5) Prohibition of firearm possession.

22 (A) A person who is subject to an existing
23 domestic violence order of protection issued under
24 this Code may not lawfully possess weapons or a
25 Firearm Owner's Identification Card under Section 8.2
26 of the Firearm Owners Identification Card Act and is

1 subject to the requirements of subsection (a-1) of
2 Section 214 of the Illinois Domestic Violence Act of
3 1986 and paragraph (14.5) or (14.6) of subsection (b)
4 of Section 214 of the Illinois Domestic Violence Act
5 of 1986, as applicable.

6 (B) Any firearms in the possession of the
7 respondent, except as provided in subparagraph (C) of
8 this paragraph (14.5), shall be ordered by the court
9 to be turned over to a person with a valid Firearm
10 Owner's Identification Card for surrender for the
11 duration of the domestic violence order of protection
12 ~~safekeeping.~~

13 The court shall issue an order that the respondent
14 comply with Section 9.5 of the Firearm Owners
15 Identification Card Act.

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

25 (D) Upon expiration of the period of surrender
26 ~~safekeeping~~, if the firearms or Firearm Owner's

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

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

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

1 deemed reasonable by the court.

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

11 (18) Telephone services.

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

1 agent for service of process provided to the Illinois
2 Commerce Commission. The order shall contain all of
3 the following:

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

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

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

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

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

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

26 (iii) The transfer would cause a geographic or

1 other limitation on network or service provision
2 to the petitioner.

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

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

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

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

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

1 agent must be reported to the Illinois Commerce
2 Commission within 30 days of such change.

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

10 (c) Relevant factors; findings.

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

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

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

1 caretaker.

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

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

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

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

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

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

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

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

1 (4) (Blank).

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

26 (d) Balance of hardships; findings. If the court finds

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

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

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

14 (2) respondent was voluntarily intoxicated;

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

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

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

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

25 (7) conduct by any family or household member excused
26 the abuse by respondent, unless that same conduct would

1 have excused such abuse if the parties had not been family
2 or household members.

3 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
4 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

5 Section 35. The Illinois Domestic Violence Act of 1986 is
6 amended by changing Sections 214, 217, and 223 as follows:

7 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

8 Sec. 214. Order of protection; remedies.

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

24 (a-1) If the respondent to an order of protection issued

1 under subsection (a) is subject to paragraph (14.5) or (14.6)
2 of subsection (b), the order of protection shall also include
3 an order to surrender firearms. The order to surrender
4 firearms shall require the respondent to surrender any firearm
5 on the day the respondent is served with the order of
6 protection. Upon the respondent surrendering any firearm to
7 the appropriate law enforcement agency, the law enforcement
8 agency shall provide a statement of receipt of any firearm,
9 with a description of any firearm surrendered, to the
10 respondent and the court. This statement of receipt shall be
11 considered proof of compliance with an order to surrender
12 firearms and may be presented as proof at a hearing.

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

17 Within 30 days of the effective date of this amendatory
18 Act of the 103rd General Assembly, the Supreme Court shall
19 adopt a form for an order to surrender firearms and update any
20 existing forms for an order of protection to reflect the
21 changes made by this amendatory Act of the 103rd General
22 Assembly. The form for an order to surrender firearms shall
23 also include forms for a declaration of surrender of firearms,
24 proof of surrender, declaration of nonsurrender, and order to
25 release firearms.

26 (b) Remedies and standards. The remedies to be included in

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

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

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

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

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

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

25 The balance of hardships is presumed to favor
26 possession by petitioner unless the presumption is

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

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

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

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

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

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

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

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

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

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

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

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

23 If a court finds, after a hearing, that respondent has
24 committed abuse (as defined in Section 103) of a minor
25 child, there shall be a rebuttable presumption that
26 awarding temporary significant decision-making

1 responsibility to respondent would not be in the child's
2 best interest.

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

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

1 petitioner or petitioner's minor children or is behaving
2 in a violent or abusive manner.

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

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

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

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

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

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

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

1 the Illinois Marriage and Dissolution of Marriage Act, as
2 now or hereafter amended.

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

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

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

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

7 (13) Order for payment of losses. Order respondent to
8 pay petitioner for losses suffered as a direct result of
9 the abuse, neglect, or exploitation. Such losses shall
10 include, but not be limited to, medical expenses, lost
11 earnings or other support, repair or replacement of
12 property damaged or taken, reasonable attorney's fees,
13 court costs and moving or other travel expenses, including
14 additional reasonable expenses for temporary shelter and
15 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) Prohibit a respondent against whom an order of
13 protection was issued from possessing any firearms
14 during the duration of the order if the order:

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

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

25 (3) (i) includes a finding that such person
26 represents a credible threat to the physical

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

6 Any Firearm Owner's Identification Card in the
7 possession of the respondent, except as provided in
8 subsection (b), shall be ordered by the court to be
9 turned over to the local law enforcement agency. The
10 local law enforcement agency shall immediately mail
11 the card to the Illinois State Police Firearm Owner's
12 Identification Card Office for safekeeping. The court
13 shall issue a warrant for seizure of any firearm in the
14 possession of the respondent, to be kept by the local
15 law enforcement agency for safekeeping, except as
16 provided in subsection (b). The period of safekeeping
17 shall be for the duration of the order of protection.
18 The firearm or firearms and Firearm Owner's
19 Identification Card, if unexpired, shall at the
20 respondent's request, be returned to the respondent at
21 the end of the order of protection. It is the
22 respondent's responsibility to notify the Illinois
23 State Police Firearm Owner's Identification Card
24 Office.

25 (b) If the respondent is a peace officer as
26 defined in Section 2-13 of the Criminal Code of 2012,

1 the court shall order that any firearms used by the
2 respondent in the performance of his or her duties as a
3 peace officer be surrendered to the chief law
4 enforcement executive of the agency in which the
5 respondent is employed, who shall retain the firearms
6 for safekeeping for the duration of the order of
7 protection.

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

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 the respondent's
12 duties as a peace officer be surrendered to the chief
13 law 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 the respondent because the
20 respondent cannot be located, fails to respond to
21 requests to retrieve the firearms, or is not lawfully
22 eligible to possess a firearm, upon petition from the
23 local law enforcement agency, the court may order the
24 local law enforcement agency to destroy the firearms,
25 use the firearms for training purposes, or for any
26 other application as deemed appropriate by the local

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

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

20 (17) Order for injunctive relief. Enter injunctive
21 relief necessary or appropriate to prevent further abuse
22 of a family or household member or further abuse, neglect,
23 or exploitation of a high-risk adult with disabilities or
24 to effectuate one of the granted remedies, if supported by
25 the balance of hardships. If the harm to be prevented by
26 the injunction is abuse or any other harm that one of the

1 remedies listed in paragraphs (1) through (16) of this
2 subsection is designed to prevent, no further evidence is
3 necessary that the harm is an irreparable injury.

4 (18) Telephone services.

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

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

1 (ii) Each telephone number that will be
2 transferred.

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

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

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

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

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

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

25 (C) The petitioner assumes all financial
26 responsibility for and right to the use of any

1 telephone number transferred under this paragraph. In
2 this paragraph, "financial responsibility" includes
3 monthly service costs and costs associated with any
4 mobile device associated with the number.

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

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

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

22 (G) The Illinois Commerce Commission shall
23 maintain the list of registered agents for service for
24 each wireless telephone service provider on the
25 Commission's website. The Commission may consult with
26 wireless telephone service providers and the Circuit

1 Court Clerks on the manner in which this information
2 is provided and displayed.

3 (c) Relevant factors; findings.

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

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

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

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

26 (i) availability, accessibility, cost, safety,

1 adequacy, location and other characteristics of
2 alternate housing for each party and any minor child
3 or dependent adult in the party's care;

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

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

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

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

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

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

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

26 When a verified petition for an emergency order of

1 protection in accordance with the requirements of Sections
2 203 and 217 is presented to the court, the court shall
3 examine petitioner on oath or affirmation. An emergency
4 order of protection shall be issued by the court if it
5 appears from the contents of the petition and the
6 examination of petitioner that the averments are
7 sufficient to indicate abuse by respondent and to support
8 the granting of relief under the issuance of the emergency
9 order of protection.

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

1 administrative hearing acknowledging under oath or
2 admitting by affirmation the existence of a father and
3 child relationship. Absent such an adjudication, finding,
4 or acknowledgment, no putative father shall be granted
5 temporary allocation of parental responsibilities,
6 including parenting time with the minor child, or physical
7 care and possession of the minor child, nor shall an order
8 of payment for support of the minor child be entered.

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

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

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

23 (2) Respondent was voluntarily intoxicated;

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

1 of 2012;

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

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

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

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

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

16 (750 ILCS 60/217) (from Ch. 40, par. 2312-17)

17 Sec. 217. Emergency order of protection.

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

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

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

24 (3) There is good cause to grant the remedy,
25 regardless of prior service of process or of notice upon

1 the respondent, because:

2 (i) For the remedies of "prohibition of abuse"
3 described in Section 214(b)(1), "stay away order and
4 additional prohibitions" described in Section
5 214(b)(3), "removal or concealment of minor child"
6 described in Section 214(b)(8), "order to appear"
7 described in Section 214(b)(9), "physical care and
8 possession of the minor child" described in Section
9 214(b)(5), "protection of property" described in
10 Section 214(b)(11), "prohibition of entry" described
11 in Section 214(b)(14), "prohibition of firearm
12 possession" described in Section 214(b)(14.6)
13 ~~214(b)(14.5)~~, "prohibition of access to records"
14 described in Section 214(b)(15), and "injunctive
15 relief" described in Section 214(b)(16), the harm
16 which that remedy is intended to prevent would be
17 likely to occur if the respondent were given any prior
18 notice, or greater notice than was actually given, of
19 the petitioner's efforts to obtain judicial relief;

20 (ii) For the remedy of "grant of exclusive
21 possession of residence" described in Section
22 214(b)(2), the immediate danger of further abuse of
23 the petitioner by the respondent, if the petitioner
24 chooses or had chosen to remain in the residence or
25 household while the respondent was given any prior
26 notice or greater notice than was actually given of

1 the petitioner's efforts to obtain judicial relief,
2 outweighs the hardships to the respondent of an
3 emergency order granting the petitioner exclusive
4 possession of the residence or household. This remedy
5 shall not be denied because the petitioner has or
6 could obtain temporary shelter elsewhere while prior
7 notice is given to the respondent, unless the
8 hardships to respondent from exclusion from the home
9 substantially outweigh those to the petitioner;

10 (iii) For the remedy of "possession of personal
11 property" described in Section 214(b)(10), improper
12 disposition of the personal property would be likely
13 to occur if the respondent were given any prior
14 notice, or greater notice than was actually given, of
15 the petitioner's efforts to obtain judicial relief, or
16 the petitioner has an immediate and pressing need for
17 possession of that property.

18 An emergency order may not include the counseling, legal
19 custody, payment of support, or monetary compensation
20 remedies.

21 (a-5) When a petition for an emergency order of protection
22 is granted, the order and file shall not be public and shall
23 only be accessible to the court, the petitioner, law
24 enforcement, a domestic violence advocate or counselor, the
25 counsel of record for either party, and the State's Attorney
26 for the county until the order is served on the respondent.

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

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

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

18 (1.5) Issuance of order. The chief judge of the
19 circuit court may designate for each county in the circuit
20 at least one judge to be reasonably available to issue
21 orally, by telephone, by facsimile, or otherwise, an
22 emergency order of protection at all times, whether or not
23 the court is in session.

24 (2) Certification and transfer. The judge who issued
25 the order under this Section shall promptly communicate or
26 convey the order to the sheriff to facilitate the entry of

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

13 (Source: P.A. 101-255, eff. 1-1-20; 102-538, eff. 8-20-21;
14 102-831, eff. 5-13-22; revised 7-29-22.)

15 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

16 Sec. 223. Enforcement of orders of protection.

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

21 (1) The respondent commits the crime of violation of
22 an order of protection pursuant to Section 12-3.4 or 12-30
23 of the Criminal Code of 1961 or the Criminal Code of 2012,
24 by having knowingly violated:

25 (i) remedies described in paragraph ~~paragraphs~~

1 (1), (2), (3), (14), ~~or~~ (14.5), or (14.6) of
2 subsection (b) of Section 214 of this Act; or

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

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

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

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

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

22 (ii) a remedy, which is substantially similar to
23 the remedies authorized under paragraphs (5), (6), or
24 (8) of subsection (b) of Section 214 of this Act, in a
25 valid order of protection which is authorized under
26 the laws of another state, tribe, or United States

1 territory.

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

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

26 (2) A petition for a rule to show cause for violation

1 of an order of protection shall be treated as an expedited
2 proceeding.

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

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

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

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

1 contents as shown through one of the following means:

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

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

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

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

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

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

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

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

19 (g) Penalties.

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

1 attorneys' fees and costs, or community service.

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

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

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

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

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

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

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

26 (i) to increase, revoke or modify the conditions

1 of pretrial release on an underlying criminal charge
2 pursuant to Section 110-6 of the Code of Criminal
3 Procedure of 1963;

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

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

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

16 (Source: P.A. 101-652, eff. 1-1-23; 102-890, eff. 5-19-22.)