



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3099

Introduced 2/17/2023, by Rep. Diane Blair-Sherlock

#### SYNOPSIS AS INTRODUCED:

725 ILCS 5/112A-14  
750 ILCS 60/214

from Ch. 38, par. 112A-14  
from Ch. 40, par. 2312-14

Amends the Code of Criminal Procedure of 1963 and the Illinois Domestic Violence Act of 1986. Provides that if a respondent to an order of protection is required to turn over the respondent's Firearm Owner's Identification Card or firearms to a local law enforcement agency, then: (1) a local law enforcement agency shall give written notice to the respondent of the respondent's obligations regarding any Firearm Owner's Identification Card or firearms in the respondent's possession; (2) a local law enforcement agency has an affirmative duty to inquire with a respondent as to the obligations of the respondent to tender the respondent's Firearm Owner's Identification Card and firearms under the order of protection; and (3) a respondent who refuses to tender the respondent's Firearm Owner's Identification Card and firearms after a local law enforcement agency has given the respondent written notice is guilty of a Class A misdemeanor.

LRB103 29433 LNS 55824 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 5. 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.

1           (B) Any firearms in the possession of the  
2 respondent, except as provided in subparagraph (C) of  
3 this paragraph (14.5), shall be ordered by the court  
4 to be turned over to a person with a valid Firearm  
5 Owner's Identification Card for safekeeping. The court  
6 shall issue an order that the respondent comply with  
7 Section 9.5 of the Firearm Owners Identification Card  
8 Act.

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

18           (C-5) If a respondent is required to turn over the  
19 respondent's Firearm Owner's Identification Card or  
20 firearms to a local law enforcement agency under  
21 subparagraph (a) of paragraph (14.5) of subsection (b)  
22 of Section 214 of the Illinois Domestic Violence Act  
23 of 1986:

24           (i) A local law enforcement agency shall give  
25 written notice to the respondent of an order of  
26 protection of the respondent's obligations

1 regarding any Firearm Owner's Identification Card  
2 or firearms in the respondent's possession.

3 (ii) A local law enforcement agency has an  
4 affirmative duty to inquire with a respondent  
5 being served with an order of protection as to the  
6 obligations of the respondent to tender the  
7 respondent's Firearm Owner's Identification Card  
8 and firearms under the order of protection.

9 (iii) A respondent who refuses to tender the  
10 respondent's Firearm Owner's Identification Card  
11 and firearms after a local law enforcement agency  
12 has given the respondent written notice under this  
13 subparagraph is guilty of a Class A misdemeanor.

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



1           respondent.

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

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

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

26           (18) Telephone services.

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

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

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

25 (iii) A statement that the provider transfers  
26 to the petitioner all financial responsibility for

1           and right to the use of any telephone number  
2           transferred under this paragraph.

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

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

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

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

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

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

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

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

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

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

25 (c) Relevant factors; findings.

26           (1) In determining whether to grant a specific remedy,

1 other than payment of support, the court shall consider  
2 relevant factors, including, but not limited to, the  
3 following:

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

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

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

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

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

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

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

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

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

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

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

16 (4) (Blank).

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

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

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

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

26 (1) respondent has cause for any use of force, unless

1 that cause satisfies the standards for justifiable use of  
2 force provided by Article 7 of the Criminal Code of 2012;

3 (2) respondent was voluntarily intoxicated;

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

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

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

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

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

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

20 Section 10. The Illinois Domestic Violence Act of 1986 is  
21 amended by changing Section 214 as follows:

22 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

23 Sec. 214. Order of protection; remedies.

24 (a) Issuance of order. If the court finds that petitioner



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

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

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

1 defined in Section 12-7.3 of the Criminal Code of 2012, if  
2 such abuse, neglect, exploitation, or stalking has  
3 occurred or otherwise appears likely to occur if not  
4 prohibited.

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

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

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

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

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

25 (3) Stay away order and additional prohibitions. Order  
26 respondent to stay away from petitioner or any other

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

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

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

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

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

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

1           or legal custodian of the respondent is responsible  
2           for transportation and other costs associated with the  
3           change of school by the respondent.

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

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

26          If a court finds, after a hearing, that respondent has

1 committed abuse (as defined in Section 103) of a minor  
2 child, there shall be a rebuttable presumption that  
3 awarding physical care to respondent would not be in the  
4 minor child's best interest.

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

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

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



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

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

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

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

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

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

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

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

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

1           No order under this provision shall affect title to  
2           property.

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

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

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

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

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

22           (11.5) Protection of animals. Grant the petitioner the  
23           exclusive care, custody, or control of any animal owned,  
24           possessed, leased, kept, or held by either the petitioner  
25           or the respondent or a minor child residing in the  
26           residence or household of either the petitioner or the

1           respondent and order the respondent to stay away from the  
2           animal and forbid the respondent from taking,  
3           transferring, encumbering, concealing, harming, or  
4           otherwise disposing of the animal.

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

22          (13) Order for payment of losses. Order respondent to  
23          pay petitioner for losses suffered as a direct result of  
24          the abuse, neglect, or exploitation. Such losses shall  
25          include, but not be limited to, medical expenses, lost  
26          earnings or other support, repair or replacement of

1 property damaged or taken, reasonable attorney's fees,  
2 court costs and moving or other travel expenses, including  
3 additional reasonable expenses for temporary shelter and  
4 restaurant meals.

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

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

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

26 (14.5) Prohibition of firearm possession.

1 (a) Prohibit a respondent against whom an order of  
2 protection was issued from possessing any firearms  
3 during the duration of the order if the order:

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

7 (2) restrains such person from harassing,  
8 stalking, or threatening an intimate partner of  
9 such person or child of such intimate partner or  
10 person, or engaging in other conduct that would  
11 place an intimate partner in reasonable fear of  
12 bodily injury to the partner or child; and

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

20 Any Firearm Owner's Identification Card in the  
21 possession of the respondent, except as provided in  
22 subsection (b), shall be ordered by the court to be  
23 turned over to the local law enforcement agency. The  
24 local law enforcement agency shall immediately mail  
25 the card to the Illinois State Police Firearm Owner's  
26 Identification Card Office for safekeeping. The court

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

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

22 (b-5) A local law enforcement agency shall give  
23 written notice to the respondent of an order of  
24 protection of the respondent's obligations regarding  
25 any Firearm Owner's Identification Card or firearms in  
26 the respondent's possession. A local law enforcement

1 agency has an affirmative duty to inquire with a  
2 respondent being served with an order of protection as  
3 to the obligations of the respondent to tender the  
4 respondent's Firearm Owner's Identification Card and  
5 firearms under the order of protection. A respondent  
6 who refuses to tender the respondent's Firearm Owner's  
7 Identification Card and firearms after a local law  
8 enforcement agency has given the respondent written  
9 notice under this subparagraph is guilty of a Class A  
10 misdemeanor.

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

25 (15) Prohibition of access to records. If an order of  
26 protection prohibits respondent from having contact with



1 the minor child, or if petitioner's address is omitted  
2 under subsection (b) of Section 203, or if necessary to  
3 prevent abuse or wrongful removal or concealment of a  
4 minor child, the order shall deny respondent access to,  
5 and prohibit respondent from inspecting, obtaining, or  
6 attempting to inspect or obtain, school or any other  
7 records of the minor child who is in the care of  
8 petitioner.

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

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

24 (18) Telephone services.

25 (A) Unless a condition described in subparagraph

26 (B) of this paragraph exists, the court may, upon

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

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

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

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

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

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

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

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

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

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

25 (D) A wireless telephone service provider may  
26 apply to the petitioner its routine and customary

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

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

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

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

23 (c) Relevant factors; findings.

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

1 following:

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

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

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

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

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

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

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

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

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

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

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

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

20 When a verified petition for an emergency order of  
21 protection in accordance with the requirements of Sections  
22 203 and 217 is presented to the court, the court shall  
23 examine petitioner on oath or affirmation. An emergency  
24 order of protection shall be issued by the court if it  
25 appears from the contents of the petition and the  
26 examination of petitioner that the averments are

1 sufficient to indicate abuse by respondent and to support  
2 the granting of relief under the issuance of the emergency  
3 order of protection.

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

1 care and possession of the minor child, nor shall an order  
2 of payment for support of the minor child be entered.

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

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

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

17 (2) Respondent was voluntarily intoxicated;

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

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

24 (5) Petitioner left the residence or household to  
25 avoid further abuse, neglect, or exploitation by  
26 respondent;



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

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

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