



Sen. Cristina H. Pacione-Zayas

Filed: 3/3/2023

10300SB0044sam001

LRB103 04765 RLC 58269 a

1 AMENDMENT TO SENATE BILL 44

2 AMENDMENT NO. _____. Amend Senate Bill 44 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Domestic Violence Act of 1986 is
5 amended by changing Section 214 as follows:

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

7 Sec. 214. Order of protection; remedies.

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

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

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

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

23 (2) Grant of exclusive possession of residence.
24 Prohibit respondent from entering or remaining in any
25 residence, household, or premises of the petitioner,
26 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 order of protection, or prohibit
20 respondent from entering or remaining present at
21 petitioner's school, place of employment, or other
22 specified places at times when petitioner is present, or
23 both, if reasonable, given the balance of hardships.
24 Hardships need not be balanced for the court to enter a
25 stay away order or prohibit entry if respondent has no
26 right to enter the premises.

1 (A) If an order of protection grants petitioner
2 exclusive possession of the residence, or prohibits
3 respondent from entering the residence, or orders
4 respondent to stay away from petitioner or other
5 protected persons, then the court may allow respondent
6 access to the residence to remove items of clothing
7 and personal adornment used exclusively by respondent,
8 medications, and other items as the court directs. The
9 right to access shall be exercised on only one
10 occasion as the court directs and in the presence of an
11 agreed-upon adult third party or law enforcement
12 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 an
16 order of protection and providing relief shall
17 consider the severity of the act, any continuing
18 physical danger or emotional distress to the
19 petitioner, the educational rights guaranteed to the
20 petitioner and respondent under federal and State law,
21 the availability of a transfer of the respondent to
22 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. In the
6 event the court order results in a transfer of the
7 minor respondent to another attendance center, a
8 change in the respondent's placement, or a change of
9 the respondent's program, the parents, guardian, or
10 legal 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. In
17 the event the court orders a transfer of the
18 respondent to another school, the parents, guardian,
19 or legal custodian of the respondent is responsible
20 for 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 a court finds, after a hearing, that respondent has
19 committed abuse (as defined in Section 103) of a minor
20 child, there shall be a rebuttable presumption that
21 awarding physical care to respondent would not be in the
22 minor child's best interest.

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

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

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

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

1 to take place or other specific parameters or conditions
2 that are appropriate. No order for parenting time shall
3 refer merely to the term "reasonable parenting time".

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

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

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

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

1 child or the respondent.

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

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

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

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

19 No order under this provision shall affect title to
20 property.

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

26 (i) petitioner, but not respondent, owns the

1 property; or

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

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

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

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

23 (12) Order for payment of support. Order respondent to
24 pay temporary support for the petitioner or any child in
25 the petitioner's care or over whom the petitioner has been
26 allocated parental responsibility, when the respondent has

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

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

23 (i) Losses affecting family needs. If a party is
24 entitled to seek maintenance, child support or
25 property distribution from the other party under the
26 Illinois Marriage and Dissolution of Marriage Act, as

1 now or hereafter amended, the court may order
2 respondent to reimburse petitioner's actual losses, to
3 the extent that such reimbursement would be
4 "appropriate temporary relief", as authorized by
5 subsection (a) (3) of Section 501 of that Act.

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

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

18 (14.5) Prohibition of firearm possession.

19 (a) Prohibit a respondent against whom an order of
20 protection was issued from possessing any firearms
21 during the duration of the order if the order:

22 (1) (blank); ~~was issued after a hearing of~~
23 ~~which such person received actual notice, and at~~
24 ~~which such person had an opportunity to~~
25 ~~participate;~~

26 (2) restrains such person from abusing the

1 petitioner as defined in this Act ~~harassing,~~
2 ~~stalking, or threatening an intimate partner of~~
3 ~~such person or child of such intimate partner or~~
4 ~~person, or engaging in other conduct that would~~
5 ~~place an intimate partner in reasonable fear of~~
6 ~~bodily injury to the partner or child; and~~

7 (3) (i) includes a finding that such person
8 represents a credible threat to the physical
9 safety of the petitioner ~~such intimate partner~~ or
10 child; or (ii) by its terms explicitly prohibits
11 the use, attempted use, or threatened use of
12 physical force against the petitioner ~~such~~
13 ~~intimate partner~~ or child that would reasonably be
14 expected to cause bodily injury.

15 (a-1) Except as provided in subparagraph (b), a
16 ~~Any~~ Firearm Owner's Identification Card in the
17 possession of the respondent, ~~except as provided in~~
18 ~~subsection (b),~~ shall be ordered by the court to be
19 turned over to the local law enforcement agency and
20 respondent shall be prohibited from acquiring or
21 possessing any firearms for the duration of the order
22 of protection. The local law enforcement agency shall
23 immediately mail the card to the Illinois State Police
24 Firearm Owner's Identification Card Office for
25 safekeeping.

26 (a-2) Immediately upon entry of an order of

1 protection prohibiting firearm possession under this
2 Section, the ~~The~~ court shall issue a warrant for
3 seizure of any firearm in the possession of the
4 respondent, to be kept by the local law enforcement
5 agency for safekeeping, except as provided in
6 subsection (b). Petitioner's general description of
7 the firearm or firearms and their location shall be
8 sufficient to support issuing a warrant. The period of
9 safekeeping shall be for the duration of the order of
10 protection.

11 (a-3) Notwithstanding the issuance of a warrant
12 under subparagraph (a-2), the respondent shall be
13 ordered to immediately surrender any firearms to the
14 appropriate law enforcement agency and prohibited from
15 transferring firearms to another individual in lieu of
16 surrender to law enforcement.

17 (a-4) The relevant law enforcement agency shall
18 provide a statement of receipt of any firearm seized
19 or surrendered with a description of any firearm
20 seized or surrendered to the respondent and the court.
21 This statement of receipt shall be prima facie
22 evidence of compliance with an order to surrender
23 firearms.

24 (a-5) The firearm or firearms and Firearm Owner's
25 Identification Card, if unexpired, shall at the
26 respondent's request, be returned to the respondent at

1 the end of the order of protection. It is the
2 respondent's responsibility to notify the Illinois
3 State Police Firearm Owner's Identification Card
4 Office.

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

14 (c) 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 (14.6) Prohibition of firearm possession; emergency
3 orders. Prohibit a respondent against whom an order of
4 protection was issued from possessing any firearms during
5 the duration of the order as set forth in paragraph (14.5)
6 if the prerequisites in subsection (a) Section 217 are
7 satisfied.

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

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

23 (17) Order for injunctive relief. Enter injunctive
24 relief necessary or appropriate to prevent further abuse
25 of a family or household member or further abuse, neglect,
26 or exploitation of a high-risk adult with disabilities or

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

7 (18) Telephone services.

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

26 (i) The name and billing telephone number of

1 the account holder including the name of the
2 wireless telephone service provider that serves
3 the account.

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

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

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

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

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

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

25 (iv) Another technological or operational
26 issue would prevent or impair the use of the

1 telephone number if the transfer occurs.

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

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

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

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

25 (G) The Illinois Commerce Commission shall
26 maintain the list of registered agents for service for

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

6 (c) Relevant factors; findings.

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

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

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

25 (2) In comparing relative hardships resulting to the
26 parties from loss of possession of the family home, the

1 court shall consider relevant factors, including but not
2 limited to the following:

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

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

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

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

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

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

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

24 (4) For purposes of issuing an ex parte emergency
25 order of protection, the court, as an alternative to or as
26 a supplement to making the findings described in

1 paragraphs (c)(3)(i) through (c)(3)(iii) of this
2 subsection, may use the following procedure:

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

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

1 Personal Responsibility and Work Opportunity
2 Reconciliation Act of 1996 (Pub. L. 104-193), or where
3 both parties appeared in open court or at an
4 administrative hearing acknowledging under oath or
5 admitting by affirmation the existence of a father and
6 child relationship. Absent such an adjudication, finding,
7 or acknowledgment, no putative father shall be granted
8 temporary allocation of parental responsibilities,
9 including parenting time with the minor child, or physical
10 care and possession of the minor child, nor shall an order
11 of payment for support of the minor child be entered.

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

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

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

26 (2) Respondent was voluntarily intoxicated;

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

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

7 (5) Petitioner left the residence or household to
8 avoid further abuse, neglect, or exploitation by
9 respondent;

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

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

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

19 Section 10. The Firearm Owners Identification Card Act is
20 amended by changing Section 9.5 as follows:

21 (430 ILCS 65/9.5)

22 Sec. 9.5. Revocation of Firearm Owner's Identification
23 Card.

24 (a) A person who receives a revocation notice under

1 Section 9 of this Act shall, within 48 hours of receiving
2 notice of the revocation:

3 (1) surrender his or her Firearm Owner's
4 Identification Card to the local law enforcement agency
5 where the person resides or to the Illinois State Police;
6 and

7 (2) complete a Firearm Disposition Record on a form
8 prescribed by the Illinois State Police and place his or
9 her firearms in the location or with the person reported
10 in the Firearm Disposition Record. The form shall require
11 the person to disclose:

12 (A) the make, model, and serial number of each
13 firearm owned by or under the custody and control of
14 the revoked person;

15 (B) the location where each firearm will be
16 maintained during the prohibited term;

17 (C) if any firearm will be transferred to the
18 custody of another person, the name, address and
19 Firearm Owner's Identification Card number of the
20 transferee; and

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

23 Once completed, the person shall retain a copy and
24 provide a copy of the Firearm Disposition Record to the
25 Illinois State Police.

26 (b) Upon confirming through the portal created under

1 Section 2605-304 of the Illinois State Police Law of the Civil
2 Administrative Code of Illinois that the Firearm Owner's
3 Identification Card has been revoked by the Illinois State
4 Police, surrendered cards shall be destroyed by the law
5 enforcement agency receiving the cards. If a card has not been
6 revoked, the card shall be returned to the cardholder.

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

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

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

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

1 Identification Card has been revoked.

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

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

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

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

19 Nothing in this Section shall supersede a court's
20 authority to order remedies under paragraphs (14.5) and (14.6)
21 of subsection (b) of Section 214 of the Illinois Domestic
22 Violence Act of 1986, including, but not limited to, an order
23 for surrender of a Firearm Owner's Identification Card,
24 surrender of firearms, and issuance of a warrant for seizure
25 of firearms.

26 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;

1 102-813, eff. 5-13-22; revised 8-24-22.)

2 Section 15. The Firearms Restraining Order Act is amended
3 by changing Section 5 as follows:

4 (430 ILCS 67/5)

5 Sec. 5. Definitions. As used in this Act:

6 "Family member of the respondent" means a spouse, former
7 spouse, person with whom the respondent has a minor child in
8 common, parent, child, or step-child of the respondent, any
9 other person related by blood or present marriage to the
10 respondent, or a person who shares a common dwelling with the
11 respondent.

12 "Firearms restraining order" means an order issued by the
13 court, prohibiting and enjoining a named person from having in
14 his or her custody or control, purchasing, possessing, or
15 receiving any firearms or ammunition, or removing firearm
16 parts that could be assembled to make an operable firearm.

17 "Intimate partner" means a spouse, former spouse, a person
18 with whom the respondent has or allegedly has a child in
19 common, or a person with whom the respondent has or has had a
20 dating or engagement relationship.

21 "Petitioner" means:

22 (1) a family member of the respondent as defined in
23 this Act; ~~or~~

24 (2) a law enforcement officer who files a petition

1 alleging that the respondent poses a danger of causing
2 personal injury to himself, herself, or another by having
3 in his or her custody or control, purchasing, possessing,
4 or receiving a firearm, ammunition, or firearm parts that
5 could be assembled to make an operable firearm or removing
6 firearm parts that could be assembled to make an operable
7 firearm; ~~or~~.

8 (3) intimate partner as defined in this Act.

9 "Respondent" means the person alleged in the petition to
10 pose a danger of causing personal injury to himself, herself,
11 or another by having in his or her custody or control,
12 purchasing, possessing, or receiving a firearm, ammunition, or
13 firearm parts that could be assembled to make an operable
14 firearm or removing firearm parts that could be assembled to
15 make an operable firearm.

16 (Source: P.A. 101-81, eff. 7-12-19; 102-345, eff. 6-1-22.)".