



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2633

Introduced 11/3/2023, by Sen. Celina Villanueva

SYNOPSIS AS INTRODUCED:

430 ILCS 67/5

725 ILCS 5/112A-14

750 ILCS 60/214

from Ch. 38, par. 112A-14

from Ch. 40, par. 2312-14

Amends the Firearms Restraining Order Act to include in the definition of "petitioner" an intimate partner. Amends the Protective Orders Article of the Code of Criminal Procedures of 1963 and the Illinois Domestic Violence Act of 1986. Provides that, if the petitioner seeks a court order prohibiting the respondent from possessing firearms, firearm ammunition, and firearm parts that could be assembled to make an operable firearm, the court shall immediately issue a search warrant directing seizure of firearms at the time an ex parte or final order of protection is issued, if the court finds, based on the facts presented that: (1) probable cause exists that the respondent possesses firearms, ammunition, or firearm parts that could be assembled to make an operable firearm; (2) probable cause exists to believe that the respondent poses a danger of causing personal injury to the petitioner or child by having in the respondent, custody or control, or by purchasing, possessing, or receiving a firearm, ammunition, or firearm parts that could be assembled to make an operable firearm and that the danger is imminent and present; and probable cause exists that firearms, ammunition, or firearm parts that could be assembled to make an operable firearm are located at the residence, vehicle, or other property of the respondent.

LRB103 34623 RLC 64893 b

1 AN ACT concerning firearms.

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

4 Section 5. The Firearms Restraining Order Act is amended
5 by changing Section 5 as follows:

6 (430 ILCS 67/5)

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

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

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

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

23 "Petitioner" means:

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

3 (2) a law enforcement officer who files a petition
4 alleging that the respondent poses a danger of causing
5 personal injury to himself, herself, or another by having
6 in his or her custody or control, purchasing, possessing,
7 or receiving a firearm, ammunition, or firearm parts that
8 could be assembled to make an operable firearm or removing
9 firearm parts that could be assembled to make an operable
10 firearm; or.

11 (3) an intimate partner.

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

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

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

22 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

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

1 (a) (Blank).

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

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

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

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

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

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

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

1 court, on the request of petitioner or on its own
2 motion, may order respondent to provide suitable,
3 accessible, alternate housing for petitioner instead
4 of excluding respondent from a mutual residence or
5 household.

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

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

1 party or law enforcement officer.

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

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

1 transfer or change.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (ii) the petitioner and respondent own the
26 property jointly; sharing it would risk abuse of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (14.5) Prohibition of firearm, ammunition, and firearm
11 part possession.

12 (A) A person who is subject to an existing
13 domestic violence order of protection issued under
14 this Code may not lawfully possess weapons,
15 ammunition, or firearm parts that could be assembled
16 to make an operable firearm or a Firearm Owner's
17 Identification Card under Section 8.2 of the Firearm
18 Owners Identification Card Act and shall be
19 immediately ordered to surrender the person's Firearm
20 Owner's Identification Card to the relevant law
21 enforcement agency.

22 (B) Any firearms in the possession of the
23 respondent, ammunition in the possession of the
24 respondent, or firearm parts in the possession of the
25 respondent that could be assembled to make an operable
26 firearm in the possession of the respondent, except as

1 provided in subparagraph (C) of this paragraph (14.5),
2 shall be ordered by the court to be surrendered to law
3 enforcement immediately. The respondent shall be
4 prohibited from transferring such firearms,
5 ammunition, and firearm parts that could be assembled
6 to make an operable firearm to another individual in
7 lieu of surrender to law enforcement ~~turned over to a~~
8 ~~person with a valid Firearm Owner's Identification~~
9 ~~Card for safekeeping. The court shall issue an order~~
10 ~~that the respondent comply with Section 9.5 of the~~
11 ~~Firearm Owners Identification Card Act.~~

12 (B-1) Upon issuance of an ex parte, interim, or
13 final order of protection, the court shall immediately
14 issue a search warrant directing seizure of any
15 firearms, ammunition, or firearm parts that could be
16 assembled to make an operable firearm and the
17 respondent's Firearm Owner's Identification Card, if
18 any, if the court finds, based on the facts presented,
19 that:

20 (1) probable cause exists that the respondent
21 possesses firearms, ammunition, or firearm parts
22 that could be assembled to make an operable
23 firearm; and

24 (2) probable cause exists to believe that (A)
25 the respondent poses a danger of causing personal
26 injury to the petitioner or a child by having in

1 the respondent's custody or control, or by
2 purchasing, possessing, or receiving a firearm,
3 ammunition, or firearm parts that could be
4 assembled to make an operable firearm and (B) that
5 the danger is immediate and present. If a court
6 finds that the respondent has committed abuse
7 against the petitioner or child, there shall be a
8 rebuttable presumption that the respondent poses a
9 danger of causing personal injury to the
10 petitioner or child; and

11 (3) probable cause exists that the firearms,
12 ammunition, or firearm parts that could be
13 assembled to make an operable firearm are located
14 at the residence, vehicle, or other property of
15 the respondent.

16 The court shall grant ex parte relief under this
17 subparagraph (B-1) and issue a warrant for search and
18 seizure of any firearms, ammunition, or firearm parts
19 that could be assembled to make an operable firearm if
20 the court has found: (i) probable cause as required by
21 this subparagraph, (ii) that personal injury to the
22 petitioner or a child is likely to occur if the
23 respondent received prior notice, and (iii) the
24 petitioner has otherwise satisfied the requirements of
25 Section 112A-17.5.

26 (B-2) A search warrant issued under subparagraph

1 (B-1) of this subsection shall specify the scope of
2 the search, including the property to be searched, and
3 shall direct the relevant law enforcement agency to
4 seize the respondent's firearms, ammunition, and any
5 firearm parts that could be assembled to make an
6 operable firearm. Law enforcement shall also be
7 directed to take any Firearm Owner's Identification
8 Card belonging to the respondent. The court may, as a
9 part of that warrant, direct the law enforcement
10 agency to search the respondent's residence and other
11 places where the court finds there is probable cause
12 to believe the respondent is likely to possess the
13 firearms, ammunition, or firearm parts that could be
14 assembled to make an operable firearm. Law enforcement
15 shall execute the warrant at the earliest time but no
16 later than 96 hours after issuance, and execution
17 shall take precedence over other warrants except those
18 of a similar emergency nature. A return of the warrant
19 shall be filed by the law enforcement agency within 24
20 hours of execution, setting forth the time, date, and
21 location where the warrant was executed and what
22 items, if any, were seized. If the court is not in
23 session, the return information shall be returned on
24 the next date the court is in session. Service of any
25 order of protection shall, to the extent possible, be
26 concurrent with the execution of such warrant for

1 search and seizure.

2 (B-3) The relevant law enforcement agency shall
3 provide a statement of receipt of any firearm seized
4 or surrendered with a description of any firearm
5 seized or surrendered to the respondent and the court.
6 The law enforcement agency may enter arrangements, as
7 needed, with federally licensed firearm dealers for
8 the storage of any firearms seized or surrendered
9 under this Section.

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

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

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

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

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

22 (17) Order for injunctive relief. Enter injunctive
23 relief necessary or appropriate to prevent further abuse
24 of a family or household member or to effectuate one of the
25 granted remedies, if supported by the balance of
26 hardships. If the harm to be prevented by the injunction

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

5 (18) Telephone services.

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

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

1 the account.

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

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

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

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

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

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

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

26 (C) The petitioner assumes all financial

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

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

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

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

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

1 wireless telephone service providers and the Circuit
2 Court Clerks on the manner in which this information
3 is provided and displayed.

4 (c) Relevant factors; findings.

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

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

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

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

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

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

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

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

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

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

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

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

21 (4) (Blank).

22 (5) Never married parties. No rights or
23 responsibilities for a minor child born outside of
24 marriage attach to a putative father until a father and
25 child relationship has been established under the Illinois
26 Parentage Act of 1984, the Illinois Parentage Act of 2015,

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

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

1 outweigh the hardship to petitioner from denial of the remedy.
2 The findings shall be an official record or in writing.

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

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

8 (2) respondent was voluntarily intoxicated;

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

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

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

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

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

23 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
24 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

25 Section 15. The Illinois Domestic Violence Act of 1986 is

1 amended by changing Section 214 as follows:

2 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

3 Sec. 214. Order of protection; remedies.

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

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

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

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

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

1 violence shelter). Standards set forth in subparagraph
2 (B) shall not preclude equitable relief.

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

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

1 accessible, alternate housing for petitioner instead
2 of excluding respondent from a mutual residence or
3 household.

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

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

26 (B) When the petitioner and the respondent attend

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

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

26 (C) The court may order the parents, guardian, or

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

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

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

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

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

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

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

23 (7) Parenting time. Determine the parenting time, if
24 any, of respondent in any case in which the court awards
25 physical care or allocates temporary significant
26 decision-making responsibility of a minor child to

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

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

23 If necessary to protect any member of petitioner's
24 family or household from future abuse, respondent shall be
25 prohibited from coming to petitioner's residence to meet
26 the minor child for parenting time, and the parties shall

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

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

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

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

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

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

25 If petitioner's sole claim to ownership of the
26 property is that it is marital property, the court may

1 award petitioner temporary possession thereof under the
2 standards of subparagraph (ii) of this paragraph only if a
3 proper proceeding has been filed under the Illinois
4 Marriage and Dissolution of Marriage Act, as now or
5 hereafter amended.

6 No order under this provision shall affect title to
7 property.

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

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

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

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

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

1 (11.5) Protection of animals. Grant the petitioner the
2 exclusive care, custody, or control of any animal owned,
3 possessed, leased, kept, or held by either the petitioner
4 or the respondent or a minor child residing in the
5 residence or household of either the petitioner or the
6 respondent and order the respondent to stay away from the
7 animal and forbid the respondent from taking,
8 transferring, encumbering, concealing, harming, or
9 otherwise disposing of the animal.

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

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

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

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

26 (14) Prohibition of entry. Prohibit the respondent

1 from entering or remaining in the residence or household
2 while the respondent is under the influence of alcohol or
3 drugs and constitutes a threat to the safety and
4 well-being of the petitioner or the petitioner's children.

5 (14.5) Prohibition of firearm, ammunition, and firearm
6 part possession.

7 (a) Prohibit a respondent against whom an order of
8 protection was issued from possessing, during the
9 duration of he order, any firearms, ammunition, and
10 firearm parts that could be assembled to make an
11 operable firearm and issue a warrant for search and
12 seizure of any firearms, ammunition, or firearm parts
13 concurrent with issuing an order of protection as set
14 forth in this subsection. ~~during the duration of the~~
15 ~~order if the order:~~

16 (a-1) (1) Upon the issuance of an emergency,
17 interim, or final order of protection, the court shall
18 issue a warrant for search and seizure of firearms,
19 ammunition, or firearm parts that could be assembled
20 to make an operable firearm if the court, based on the
21 facts presented, finds:

22 (i) probable cause exists that the respondent
23 possesses firearms, ammunition, or firearm parts
24 that could be assembled to make an operable
25 firearm; and

26 (ii) probable cause exists to believe that:

1 (A) the respondent poses a danger of causing
2 personal injury to the petitioner or a child by
3 having in the respondent's custody or control, or
4 by purchasing, possessing, or receiving a firearm,
5 ammunition, or firearm parts that could be
6 assembled to make an operable firearm; and (B)
7 that the danger is immediate and present. If a
8 court finds that the respondent has committed
9 abuse against the petitioner or a child, there
10 shall be a rebuttable presumption that the
11 respondent poses a danger of causing personal
12 injury to the petitioner or the child; and

13 (iii) probable cause exists that the firearms,
14 ammunition, or firearm parts that could be
15 assembled to make an operable firearm are located
16 at the residence, vehicle, or other property of
17 the respondent.

18 (2) A warrant for search and seizure issued under
19 subparagraph (a-1) shall specify the scope of the
20 search, including the property to be searched, and
21 shall direct the relevant law enforcement agency to
22 seize the respondent's firearms, ammunition, and any
23 firearm parts that could be assembled to make an
24 operable firearm. Law enforcement shall also be
25 directed to take any Firearm Owner's Identification
26 Card belonging to the respondent into its possession.

1 The court may, as a part of that warrant, direct the
2 law enforcement agency to search the respondent's
3 residence and other places where the court finds there
4 is probable cause to believe the respondent is likely
5 to possess the firearms, ammunition, or firearm parts
6 that could be assembled to make an operable firearm.
7 Law enforcement shall execute the warrant at the
8 earliest time but no later than 96 hours after
9 issuance, and execution shall take precedence over
10 other warrants except those of a similar emergency
11 nature. A return of the warrant shall be filed by the
12 law enforcement agency within 24 hours of execution,
13 setting forth the time, date, and location where the
14 warrant was executed and what items, if any, were
15 seized. If the court is not in session, the return
16 information shall be returned on the next date the
17 court is in session. Service of any order of
18 protection shall, to the extent possible, be
19 concurrent with the execution of the warrant for
20 search and seizure.

21 (3) The court shall grant ex parte relief under
22 this subparagraph and issue a warrant for search and
23 seizure of any firearms if the court has found (i)
24 probable cause as required by this subparagraph, (ii)
25 that personal injury to the petitioner or child is
26 likely to occur if the respondent received prior

1 notice, and (iii) the petitioner has otherwise
2 satisfied the requirements of Section 217 of this Act.

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

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

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

19 (a-2) The court shall prohibit the respondent from
20 possessing, during the duration of the order, any
21 firearms, ammunition, or firearm parts that could be
22 assembled to make an operable firearm and order the
23 surrender of any firearms, ammunition, or firearm
24 parts that could be assembled to make an operable
25 firearm to the relevant law enforcement agency if (1)
26 the court has ordered a warrant for search and seizure

1 under subparagraph (a-1) or (2) the order of
2 protection issued by the court against the respondent:

3 (i) was issued after a hearing of which such
4 person received actual notice, and at which such
5 person had an opportunity to participate, or
6 petitioner has satisfied the requirements of
7 Section 217;

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

13 (iii) (A) includes a finding that such person
14 represents a credible threat to the physical
15 safety of the petitioner or a child; or

16 (B) by its terms explicitly prohibits the use,
17 attempted use, or threatened use of physical force
18 against such petitioner or the child that would
19 reasonably be expected to cause bodily injury.

20 (a-3) Any firearms, ammunition, or firearm parts
21 that could be assembled to make an operable firearm
22 shall be kept by the local law enforcement agency for
23 safekeeping, except as provided in subsection (b). The
24 period of safekeeping shall be for the duration of the
25 order of protection. Respondent is prohibited from
26 transferring firearms, ammunition, or firearm parts to

1 another individual in lieu of surrender to law
2 enforcement. The law enforcement agency shall provide
3 a statement of receipt of any firearm, ammunition, or
4 firearm part seized or surrendered with a description
5 of any firearm seized or surrendered to the respondent
6 and the court. The law enforcement agency may enter
7 arrangements, as needed, with federally licensed
8 firearm dealers for the storage of any firearms seized
9 or surrendered under this Section.

10 (a-4) If relief is granted under this subsection,
11 any Firearm Owner's Identification Card in the
12 possession of the respondent, except as provided in
13 subsection (b), shall be ordered by the court to be
14 turned over to the local law enforcement agency. The
15 local law enforcement agency shall immediately mail
16 the card to the Illinois State Police Firearm Owner's
17 Identification Card Office for safekeeping.

18 ~~(a-5) Any Firearm Owner's Identification Card in the~~
19 ~~possession of the respondent, except as provided in~~
20 ~~subsection (b), shall be ordered by the court to be~~
21 ~~turned over to the local law enforcement agency. The~~
22 ~~local law enforcement agency shall immediately mail~~
23 ~~the card to the Illinois State Police Firearm Owner's~~
24 ~~Identification Card Office for safekeeping. The court~~
25 ~~shall issue a warrant for seizure of any firearm in the~~
26 ~~possession of the respondent, to be kept by the local~~

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

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

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

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

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.)