



Sen. Celina Villanueva

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1 AMENDMENT TO SENATE BILL 2633

2 AMENDMENT NO. _____. Amend Senate Bill 2633 by replacing
3 everything after the enacting clause with the following:

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

1 receiving any firearms or ammunition, or removing firearm
2 parts that could be assembled to make an operable firearm.

3 "Intimate partner" means a spouse, former spouse, a person
4 with whom the respondent has or allegedly has a child in
5 common, or a person with whom the respondent has or has had a
6 dating or engagement relationship.

7 "Petitioner" means:

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

10 (2) a law enforcement officer who files a petition
11 alleging that the respondent poses a danger of causing
12 personal injury to himself, herself, or another by having
13 in his or her custody or control, purchasing, possessing,
14 or receiving a firearm, ammunition, or firearm parts that
15 could be assembled to make an operable firearm or removing
16 firearm parts that could be assembled to make an operable
17 firearm; or.

18 (3) an intimate partner.

19 "Respondent" means the person alleged in the petition to
20 pose a danger of causing personal injury to himself, herself,
21 or another by having in his or her custody or control,
22 purchasing, possessing, or receiving a firearm, ammunition, or
23 firearm parts that could be assembled to make an operable
24 firearm or removing firearm parts that could be assembled to
25 make an operable firearm.

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

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

3 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

4 Sec. 112A-14. Domestic violence order of protection;
5 remedies.

6 (a) (Blank).

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

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

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

1 Section 501 of the Illinois Marriage and Dissolution of
2 Marriage Act.

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

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

1 have a right to occupancy.

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

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

23 (A) If a domestic violence order of protection
24 grants petitioner exclusive possession of the
25 residence, prohibits respondent from entering the
26 residence, or orders respondent to stay away from

1 petitioner or other protected persons, then the court
2 may allow respondent access to the residence to remove
3 items of clothing and personal adornment used
4 exclusively by respondent, medications, and other
5 items as the court directs. The right to access shall
6 be exercised on only one occasion as the court directs
7 and in the presence of an agreed-upon adult third
8 party or law enforcement officer.

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

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

1 center to which the respondent is transferred. If the
2 court order results in a transfer of the minor
3 respondent to another attendance center, a change in
4 the respondent's placement, or a change of the
5 respondent's program, the parents, guardian, or legal
6 custodian of the respondent is responsible for
7 transportation and other costs associated with the
8 transfer or change.

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

18 (4) Counseling. Require or recommend the respondent to
19 undergo counseling for a specified duration with a social
20 worker, psychologist, clinical psychologist,
21 psychiatrist, family service agency, alcohol or substance
22 abuse program, mental health center guidance counselor,
23 agency providing services to elders, program designed for
24 domestic violence abusers, or any other guidance service
25 the court deems appropriate. The court may order the
26 respondent in any intimate partner relationship to report

1 to an Illinois Department of Human Services protocol
2 approved partner abuse intervention program for an
3 assessment and to follow all recommended treatment.

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

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

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

26 If the respondent is charged with abuse (as defined in

1 Section 112A-3 of this Code) of a minor child, there shall
2 be a rebuttable presumption that awarding temporary
3 significant decision-making responsibility to respondent
4 would not be in the child's best interest.

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

12 (i) abuse or endanger the minor child during
13 parenting time;

14 (ii) use the parenting time as an opportunity to
15 abuse or harass petitioner or petitioner's family or
16 household members;

17 (iii) improperly conceal or detain the minor
18 child; or

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

21 The court shall not be limited by the standards set
22 forth in Section 603.10 of the Illinois Marriage and
23 Dissolution of Marriage Act. If the court grants parenting
24 time, the order shall specify dates and times for the
25 parenting time to take place or other specific parameters
26 or conditions that are appropriate. No order for parenting

1 time shall refer merely to the term "reasonable parenting
2 time". Petitioner may deny respondent access to the minor
3 child if, when respondent arrives for parenting time,
4 respondent is under the influence of drugs or alcohol and
5 constitutes a threat to the safety and well-being of
6 petitioner or petitioner's minor children or is behaving
7 in a violent or abusive manner. If necessary to protect
8 any member of petitioner's family or household from future
9 abuse, respondent shall be prohibited from coming to
10 petitioner's residence to meet the minor child for
11 parenting time, and the petitioner and respondent shall
12 submit to the court their recommendations for reasonable
13 alternative arrangements for parenting time. A person may
14 be approved to supervise parenting time only after filing
15 an affidavit accepting that responsibility and
16 acknowledging accountability to the court.

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

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

26 (10) Possession of personal property. Grant petitioner

1 exclusive possession of personal property and, if
2 respondent has possession or control, direct respondent to
3 promptly make it available to petitioner, if:

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

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

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

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

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

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

1 (ii) the petitioner and respondent own the
2 property jointly, and the balance of hardships favors
3 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 petitioner's
12 significant decision-making responsibility unless
13 otherwise 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. Such losses shall include, but not be limited
17 to, medical expenses, lost earnings or other support,
18 repair or replacement of property damaged or taken,
19 reasonable attorney's fees, court costs, and moving or
20 other travel expenses, including additional reasonable
21 expenses for temporary shelter and restaurant meals.

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

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

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

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

17 (14.5) Prohibition of firearm, ammunition, and firearm
18 part possession.

19 (A) A person who is subject to an existing
20 domestic violence order of protection issued under
21 this Code may not lawfully possess weapons, ammunition,
22 or firearm parts that could be assembled
23 to make an operable firearm or a Firearm Owner's
24 Identification Card under Section 8.2 of the Firearm
25 Owners Identification Card Act and shall be
26 immediately ordered to surrender the person's Firearm

1 Owner's Identification Card to the relevant law
2 enforcement agency.

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

19 (B-1) Upon issuance of an ex parte, interim, or
20 final order of protection, the court shall immediately
21 issue a search warrant directing seizure of any
22 firearms, ammunition, or firearm parts that could be
23 assembled to make an operable firearm and the
24 respondent's Firearm Owner's Identification Card, if
25 any, if the court finds, based upon sworn testimony,
26 that:

1 (1) probable cause exists that the respondent
2 possesses firearms, ammunition, or firearm parts
3 that could be assembled to make an operable
4 firearm; and

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

18 (3) probable cause exists that the firearms,
19 ammunition, or firearm parts that could be
20 assembled to make an operable firearm are located
21 at the residence, vehicle, or other property of
22 the respondent.

23 The court shall grant ex parte relief under this
24 subparagraph (B-1) and issue a warrant for search and
25 seizure of any firearms, ammunition, or firearm parts
26 that could be assembled to make an operable firearm if

1 the court has found: (i) probable cause as required by
2 this subparagraph, (ii) that personal injury to the
3 petitioner or a child is likely to occur if the
4 respondent received prior notice, and (iii) the
5 petitioner has otherwise satisfied the requirements of
6 Section 112A-17.5.

7 (B-2) A search warrant issued under subparagraph
8 (B-1) of this subsection shall specify with
9 particularity the scope of the search, including the
10 property to be searched, and shall direct the relevant
11 law enforcement agency to seize the respondent's
12 firearms, ammunition, and any firearm parts that could
13 be assembled to make an operable firearm. Law
14 enforcement shall also be directed to take any Firearm
15 Owner's Identification Card belonging to the
16 respondent. The court may, as a part of that warrant,
17 direct the law enforcement agency to search the
18 respondent's residence and other places where the
19 court finds there is probable cause to believe the
20 respondent is likely to possess the firearms,
21 ammunition, or firearm parts that could be assembled
22 to make an operable firearm. Law enforcement shall
23 execute the warrant at the earliest time but no later
24 than 96 hours after issuance, and execution shall take
25 precedence over other warrants except those of a
26 similar emergency nature. A return of the warrant

1 shall be filed by the law enforcement agency within 24
2 hours of execution, setting forth the time, date, and
3 location where the warrant was executed and what
4 items, if any, were seized. If the court is not in
5 session, the return information shall be returned on
6 the next date the court is in session. Service of any
7 order of protection shall, to the extent possible, be
8 concurrent with the execution of such warrant for
9 search and seizure.

10 (B-3) The relevant law enforcement agency shall
11 provide a statement of receipt of any firearm seized
12 or surrendered with a description of any firearm
13 seized or surrendered to the respondent and the court.
14 The law enforcement agency may enter arrangements, as
15 needed, with federally licensed firearm dealers for
16 the storage of any firearms seized or surrendered
17 under this Section.

18 (B-4) The finding of probable cause for a warrant
19 upon oral testimony may be based on the same kind of
20 evidence as is sufficient for a warrant upon
21 affidavit.

22 (C) If the respondent is a peace officer as
23 defined in Section 2-13 of the Criminal Code of 2012,
24 the court shall order that any firearms used by the
25 respondent in the performance of his or her duties as a
26 peace officer be surrendered to the chief law

1 enforcement executive of the agency in which the
2 respondent is employed, who shall retain the firearms
3 for safekeeping for the duration of the domestic
4 violence order of protection.

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

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

1 school or any other records of the minor child who is in
2 the care of petitioner.

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

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

17 (18) Telephone services.

18 (A) Unless a condition described in subparagraph
19 (B) of this paragraph exists, the court may, upon
20 request by the petitioner, order a wireless telephone
21 service provider to transfer to the petitioner the
22 right to continue to use a telephone number or numbers
23 indicated by the petitioner and the financial
24 responsibility associated with the number or numbers,
25 as set forth in subparagraph (C) of this paragraph. In
26 this paragraph (18), the term "wireless telephone

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

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

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

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

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

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

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

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

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

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

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

24 (E) Except for willful or wanton misconduct, a
25 wireless telephone service provider is immune from
26 civil liability for its actions taken in compliance

1 with a court order issued under this paragraph.

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

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

16 (c) Relevant factors; findings.

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

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

1 any member of petitioner's or respondent's family or
2 household; and

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

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

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

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

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

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

24 (i) That the court has considered the applicable
25 relevant factors described in paragraphs (1) and (2)
26 of this subsection (c).

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

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

7 (4) (Blank).

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

1 father shall be granted temporary allocation of parental
2 responsibilities, including parenting time with the minor
3 child, or physical care and possession of the minor child,
4 nor shall an order of payment for support of the minor
5 child be entered.

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

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

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

20 (2) respondent was voluntarily intoxicated;

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

25 (4) petitioner did not act in self-defense or defense
26 of another;

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

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

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

9 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
10 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

11 Section 15. The Illinois Domestic Violence Act of 1986 is
12 amended by changing Section 214 as follows:

13 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

14 Sec. 214. Order of protection; remedies.

15 (a) Issuance of order. If the court finds that petitioner
16 has been abused by a family or household member or that
17 petitioner is a high-risk adult who has been abused,
18 neglected, or exploited, as defined in this Act, an order of
19 protection prohibiting the abuse, neglect, or exploitation
20 shall issue; provided that petitioner must also satisfy the
21 requirements of one of the following Sections, as appropriate:
22 Section 217 on emergency orders, Section 218 on interim
23 orders, or Section 219 on plenary orders. Petitioner shall not
24 be denied an order of protection because petitioner or

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

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

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

22 (2) Grant of exclusive possession of residence.
23 Prohibit respondent from entering or remaining in any
24 residence, household, or premises of the petitioner,
25 including one owned or leased by respondent, if petitioner
26 has a right to occupancy thereof. The grant of exclusive

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

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

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

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

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

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

26 (A) If an order of protection grants petitioner

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

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

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

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

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

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

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

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

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 physical care to respondent would not be in the
21 minor child's best interest.

22 (6) Temporary allocation of parental responsibilities:
23 significant decision-making. Award temporary
24 decision-making responsibility to petitioner in accordance
25 with this Section, the Illinois Marriage and Dissolution
26 of Marriage Act, the Illinois Parentage Act of 2015, and

1 this State's Uniform Child-Custody Jurisdiction and
2 Enforcement Act.

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

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

1 that are appropriate. No order for parenting time shall
2 refer merely to the term "reasonable parenting time".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (14.5) Prohibition of firearm, ammunition, and firearm
18 part possession.

19 (a) Prohibit a respondent against whom an order of
20 protection was issued from possessing, during the
21 duration of the order, any firearms, ammunition, and
22 firearm parts that could be assembled to make an
23 operable firearm and issue a warrant for search and
24 seizure of any firearms, ammunition, or firearm parts
25 concurrent with issuing an order of protection as set
26 forth in this subsection. ~~during the duration of the~~

1 ~~order if the order:~~

2 (a-1)(1) Upon the issuance of an emergency,
3 interim, or final order of protection, the court shall
4 issue a warrant for search and seizure of firearms,
5 ammunition, or firearm parts that could be assembled
6 to make an operable firearm if the court, based upon
7 sworn testimony, finds:

8 (i) probable cause exists that the respondent
9 possesses firearms, ammunition, or firearm parts
10 that could be assembled to make an operable
11 firearm; and

12 (ii) probable cause exists to believe that:
13 (A) the respondent poses a danger of causing
14 personal injury to the petitioner or a child by
15 having in the respondent's custody or control, or
16 by purchasing, possessing, or receiving a firearm,
17 ammunition, or firearm parts that could be
18 assembled to make an operable firearm; and (B)
19 that the danger is immediate and present. If a
20 court finds that the respondent has committed
21 abuse against the petitioner or a child, there
22 shall be a rebuttable presumption that the
23 respondent poses a danger of causing personal
24 injury to the petitioner or the child; and

25 (iii) probable cause exists that the firearms,
26 ammunition, or firearm parts that could be

1 assembled to make an operable firearm are located
2 at the residence, vehicle, or other property of
3 the respondent.

4 (2) A warrant for search and seizure issued under
5 subparagraph (a-1) shall specify with particularity
6 the scope of the search, including the property to be
7 searched, and shall direct the relevant law
8 enforcement agency to seize the respondent's firearms,
9 ammunition, and any firearm parts that could be
10 assembled to make an operable firearm. Law enforcement
11 shall also be directed to take any Firearm Owner's
12 Identification Card belonging to the respondent into
13 its possession. The court may, as a part of that
14 warrant, direct the law enforcement agency to search
15 the respondent's residence and other places where the
16 court finds there is probable cause to believe the
17 respondent is likely to possess the firearms,
18 ammunition, or firearm parts that could be assembled
19 to make an operable firearm. Law enforcement shall
20 execute the warrant at the earliest time but no later
21 than 96 hours after issuance, and execution shall take
22 precedence over other warrants except those of a
23 similar emergency nature. A return of the warrant
24 shall be filed by the law enforcement agency within 24
25 hours of execution, setting forth the time, date, and
26 location where the warrant was executed and what

1 items, if any, were seized. If the court is not in
2 session, the return information shall be returned on
3 the next date the court is in session. Service of any
4 order of protection shall, to the extent possible, be
5 concurrent with the execution of the warrant for
6 search and seizure. The finding of probable cause for
7 a warrant upon oral testimony may be based on the same
8 kind of evidence as is sufficient for a warrant upon
9 affidavit.

10 (3) The court shall grant ex parte relief under
11 this subparagraph and issue a warrant for search and
12 seizure of any firearms if the court has found (i)
13 probable cause as required by this subparagraph, (ii)
14 that personal injury to the petitioner or child is
15 likely to occur if the respondent received prior
16 notice, and (iii) the petitioner has otherwise
17 satisfied the requirements of Section 217 of this Act.

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

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

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

8 (a-2) The court shall prohibit the respondent from
9 possessing, during the duration of the order, any
10 firearms, ammunition, or firearm parts that could be
11 assembled to make an operable firearm and order the
12 surrender of any firearms, ammunition, or firearm
13 parts that could be assembled to make an operable
14 firearm to the relevant law enforcement agency if (1)
15 the court has ordered a warrant for search and seizure
16 under subparagraph (a-1) or (2) the order of
17 protection issued by the court against the respondent:

18 (i) was issued after a hearing of which such
19 person received actual notice, and at which such
20 person had an opportunity to participate, or
21 petitioner has satisfied the requirements of
22 Section 217;

23 (ii) restrains such person from harassing,
24 stalking, or threatening the petitioner or child,
25 or engaging in other conduct that would place the
26 petitioner in reasonable fear of bodily injury to

1 the petitioner or a child; and

2 (iii) (A) includes a finding that such person
3 represents a credible threat to the physical
4 safety of the petitioner or a child; or

5 (B) by its terms explicitly prohibits the use,
6 attempted use, or threatened use of physical force
7 against such petitioner or the child that would
8 reasonably be expected to cause bodily injury.

9 (a-3) Any firearms, ammunition, or firearm parts
10 that could be assembled to make an operable firearm
11 shall be kept by the local law enforcement agency for
12 safekeeping, except as provided in subsection (b). The
13 period of safekeeping shall be for the duration of the
14 order of protection. Respondent is prohibited from
15 transferring firearms, ammunition, or firearm parts to
16 another individual in lieu of surrender to law
17 enforcement. The law enforcement agency shall provide
18 a statement of receipt of any firearm, ammunition, or
19 firearm part seized or surrendered with a description
20 of any firearm seized or surrendered to the respondent
21 and the court. The law enforcement agency may enter
22 arrangements, as needed, with federally licensed
23 firearm dealers for the storage of any firearms seized
24 or surrendered under this Section.

25 (a-4) If relief is granted under this subsection,
26 any Firearm Owner's Identification Card in the

1 possession of the respondent, except as provided in
2 subsection (b), shall be ordered by the court to be
3 turned over to the local law enforcement agency. The
4 local law enforcement agency shall immediately mail
5 the card to the Illinois State Police Firearm Owner's
6 Identification Card Office for safekeeping.

7 ~~(a-5) Any Firearm Owner's Identification Card in the~~
8 ~~possession of the respondent, except as provided in~~
9 ~~subsection (b), shall be ordered by the court to be~~
10 ~~turned over to the local law enforcement agency. The~~
11 ~~local law enforcement agency shall immediately mail~~
12 ~~the card to the Illinois State Police Firearm Owner's~~
13 ~~Identification Card Office for safekeeping. The court~~
14 ~~shall issue a warrant for seizure of any firearm in the~~
15 ~~possession of the respondent, to be kept by the local~~
16 ~~law enforcement agency for safekeeping, except as~~
17 ~~provided in subsection (b). The period of safekeeping~~
18 ~~shall be for the duration of the order of protection.~~
19 The firearm or firearms and Firearm Owner's
20 Identification Card, if unexpired, seized or
21 surrendered shall, at the respondent's request, be
22 returned to the respondent at the end of the order of
23 protection. It is the respondent's responsibility to
24 notify the Illinois State Police Firearm Owner's
25 Identification Card Office.

26 (b) If the respondent is a peace officer as

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

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

23 (15) Prohibition of access to records. If an order of
24 protection prohibits respondent from having contact with
25 the minor child, or if petitioner's address is omitted
26 under subsection (b) of Section 203, or if necessary to

1 prevent abuse or wrongful removal or concealment of a
2 minor child, the order shall deny respondent access to,
3 and prohibit respondent from inspecting, obtaining, or
4 attempting to inspect or obtain, school or any other
5 records of the minor child who is in the care of
6 petitioner.

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

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

22 (18) Telephone services.

23 (A) Unless a condition described in subparagraph

24 (B) of this paragraph exists, the court may, upon
25 request by the petitioner, order a wireless telephone
26 service provider to transfer to the petitioner the

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

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

19 (ii) Each telephone number that will be
20 transferred.

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

25 (B) A wireless telephone service provider shall
26 terminate the respondent's use of, and shall transfer

1 to the petitioner use of, the telephone number or
2 numbers indicated in subparagraph (A) of this
3 paragraph unless it notifies the petitioner, within 72
4 hours after it receives the order, that one of the
5 following applies:

6 (i) The account holder named in the order has
7 terminated the account.

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

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

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

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

23 (D) A wireless telephone service provider may
24 apply to the petitioner its routine and customary
25 requirements for establishing an account or
26 transferring a number, including requiring the

1 petitioner to provide proof of identification,
2 financial information, and customer preferences.

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

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

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

21 (c) Relevant factors; findings.

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

26 (i) the nature, frequency, severity, pattern and

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

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

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

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

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

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

26 (3) Subject to the exceptions set forth in paragraph

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

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

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

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

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

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

1 order of protection.

2 (5) Never married parties. No rights or
3 responsibilities for a minor child born outside of
4 marriage attach to a putative father until a father and
5 child relationship has been established under the Illinois
6 Parentage Act of 1984, the Illinois Parentage Act of 2015,
7 the Illinois Public Aid Code, Section 12 of the Vital
8 Records Act, the Juvenile Court Act of 1987, the Probate
9 Act of 1975, the Revised Uniform Reciprocal Enforcement of
10 Support Act, the Uniform Interstate Family Support Act,
11 the Expedited Child Support Act of 1990, any judicial,
12 administrative, or other act of another state or
13 territory, any other Illinois statute, or by any foreign
14 nation establishing the father and child relationship, any
15 other proceeding substantially in conformity with the
16 Personal Responsibility and Work Opportunity
17 Reconciliation Act of 1996 (Pub. L. 104-193), or where
18 both parties appeared in open court or at an
19 administrative hearing acknowledging under oath or
20 admitting by affirmation the existence of a father and
21 child relationship. Absent such an adjudication, finding,
22 or acknowledgment, no putative father shall be granted
23 temporary allocation of parental responsibilities,
24 including parenting time with the minor child, or physical
25 care and possession of the minor child, nor shall an order
26 of payment for support of the minor child be entered.

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

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

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

15 (2) Respondent was voluntarily intoxicated;

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

20 (4) Petitioner did not act in self-defense or defense
21 of another;

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

25 (6) Petitioner did not leave the residence or
26 household to avoid further abuse, neglect, or exploitation

1 by respondent;

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

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