



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB4836

by Rep. Maura Hirschauer

#### SYNOPSIS AS INTRODUCED:

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

Amends the Code of Criminal Procedure of 1963 and the Illinois Domestic Violence Act of 1986. Provides that a person commits the crime of violation of an order of protection under the Criminal Code of 1961 or the Criminal Code of 2012 if the person, in violation of an order to surrender the person's firearms and firearm parts, knowingly transfers a firearm or firearm parts to the respondent or otherwise allows the respondent access to a firearm or firearm parts. Provides that, if the law enforcement agency seeks to correct or negate the warrant for the seizure of the respondent's firearms and firearm parts, it shall take reasonable steps to notify the petitioner before appearing before the court. Makes technical changes.

LRB104 17416 RLC 30841 b

1 AN ACT concerning domestic violence.

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

4 Section 5. The Code of Criminal Procedure of 1963 is  
5 amended by changing Sections 112A-14 and 112A-23 as follows:

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

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

9 (a) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (14.5) Prohibition of possession of firearms and  
22 firearm parts; search and seizure of firearms and firearm  
23 parts.

24 (A) Subject to the provisions of subparagraph  
25 (B-2), if applicable, a person who is subject to an  
26 existing domestic violence order of protection issued

1 under this Code may not lawfully possess firearms or  
2 firearm parts that could be assembled to make an  
3 operable firearm or a Firearm Owner's Identification  
4 Card under Section 8.2 of the Firearm Owners  
5 Identification Card Act.

6 (B) Any firearms in the possession of the  
7 respondent, except as provided in subparagraph (C) of  
8 this paragraph (14.5) and subject to the provisions of  
9 subparagraph (B-2), if applicable, shall be ordered by  
10 the court to be surrendered to law enforcement for  
11 safekeeping. Any firearms or firearm parts on the  
12 respondent's person or at the place of service shall  
13 be immediately surrendered to the serving officers at  
14 the time of service of the order of protection, and any  
15 other firearms or firearm parts shall be surrendered  
16 to local law enforcement within 24 hours of service of  
17 the order of protection. Any Firearm Owner's  
18 Identification Card or Concealed Carry License in the  
19 possession of the respondent, except as provided in  
20 subparagraph (C), shall also be ordered by the court  
21 to be turned over to serving officers at the time of  
22 service of the order of protection or, if not on the  
23 respondent's person or at the location where the  
24 respondent is served at the time of service, to local  
25 law enforcement within 24 hours of service of the  
26 order. The law enforcement agency shall immediately

1 mail the card, as well as any license, to the Illinois  
2 State Police Firearm Owner's Identification Card  
3 Office for safekeeping.

4 (B-1) Upon request of the petitioner or the  
5 State's Attorney on behalf of the petitioner, a law  
6 enforcement officer may seek a search warrant based on  
7 the allegations in the petition for the Order of  
8 Protection.

9 (i) If requested by law enforcement, the court  
10 shall issue a search warrant for the seizure of  
11 any firearms or firearm parts that could be  
12 assembled to make an operable firearm belonging to  
13 the respondent at or after entry of an order of  
14 protection if the court, based upon sworn  
15 testimony and governed by Sections 108-3 and  
16 108-4, finds probable cause exists that:

17 (aa) the respondent poses an immediate and  
18 present credible threat to the physical safety  
19 of the petitioner protected by the order of  
20 protection;

21 (bb) the respondent possesses firearms or  
22 firearm parts that could be assembled to make  
23 an operable firearm; and

24 (cc) the firearms or firearm parts that  
25 could be assembled to make an operable firearm  
26 are located at the residence, vehicle, or

1           other property of the respondent to be  
2           searched.

3           (ii) The search warrant shall specify with  
4           particularity the scope of the search, including  
5           the property to be searched, and shall direct the  
6           law enforcement agency to seize the respondent's  
7           firearms and firearm parts that could be assembled  
8           to make an operable firearm. Law enforcement shall  
9           also be directed to seize into their possession  
10          any Firearm Owner's Identification Card and any  
11          Concealed Carry License belonging to the  
12          respondent.

13          (iii) The law enforcement agency to which the  
14          court has directed the warrant shall execute the  
15          warrant no later than 96 hours after issuance. The  
16          law enforcement agency to which the court has  
17          directed the warrant may coordinate with other law  
18          enforcement agencies to execute the warrant. A  
19          return of the warrant shall be filed by the law  
20          enforcement agency within 24 hours of execution,  
21          setting forth the time, date, and location where  
22          the warrant was executed and what items, if any,  
23          were seized. If the court is not in session, the  
24          return information shall be returned on the next  
25          date the court is in session. Subject to the  
26          provisions of this Section, peace officers shall

1           have the same authority to execute a warrant  
2           issued under this subsection as a warrant issued  
3           under Article 108.

4           (iv) If the property to be searched is in  
5           another county, the petitioner or the State's  
6           Attorney may seek a search warrant in that county  
7           with the law enforcement agency with primary  
8           responsibility for responding to service calls at  
9           the property to be searched. Regardless of whether  
10          the petitioner is working with the State's  
11          Attorney under subsection (d) of Section 112A-4.5,  
12          the petitioner may request the State's Attorney's  
13          assistance to request that the law enforcement  
14          agency in the county where the property is located  
15          seek a search warrant.

16          (v) Service of an order of protection shall,  
17          to the extent possible, be concurrent with any  
18          warrant issued under this paragraph.

19          (B-2) Ex parte relief may be granted under this  
20          paragraph (14.5) only if the court finds that personal  
21          injury to the petitioner is likely to occur if the  
22          respondent received prior notice and if the petitioner  
23          has otherwise satisfied the requirements of Section  
24          112A-17.5 of this Article.

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

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

8 (D) (i) Any firearms or firearm parts that could be  
9 assembled to make an operable firearm that have been  
10 seized or surrendered shall be kept by the law  
11 enforcement agency that took possession of the items  
12 for safekeeping, except as provided in subparagraph  
13 (C), (E), or (F). The period of safekeeping shall be  
14 for the duration of the order of protection. Except as  
15 provided in subparagraph (F), the respondent is  
16 prohibited from transferring firearms or firearm parts  
17 to another individual in lieu of surrender to law  
18 enforcement. The law enforcement agency shall provide  
19 an itemized statement of receipt to the respondent and  
20 the court describing any seized or surrendered  
21 firearms or firearm parts and informing the respondent  
22 that the respondent may seek the return of the  
23 respondent's items at the end of the order of  
24 protection. The law enforcement agency may enter  
25 arrangements, as needed, with federally licensed  
26 firearm dealers or other law enforcement agencies for

1 the storage of any firearms seized or surrendered  
2 under this subsection.

3 (ii) It is the respondent's responsibility to  
4 request the return or reinstatement of any Firearm  
5 Owner's Identification Card or Concealed Carry License  
6 and to notify the Illinois State Police Firearm  
7 Owner's Identification Card Office at the end of the  
8 Order of Protection.

9 (iii) At the end of the order of protection, a  
10 respondent may request the return of any seized or  
11 surrendered firearms or firearm parts that could be  
12 assembled to make an operable firearm. Seized or  
13 surrendered firearms or firearm parts shall be  
14 returned within 14 days of the request to the  
15 respondent, if the respondent is lawfully eligible to  
16 possess firearms, or to a designated third party who  
17 is lawfully eligible to possess firearms. If the  
18 firearms or firearm parts cannot be returned to  
19 respondent because (1) the respondent has not  
20 requested the return or transfer of the firearms or  
21 firearm parts as set forth in this subparagraph and  
22 (2) the respondent cannot be located or fails to  
23 respond to more than 3 requests to retrieve the  
24 firearms, upon petition from the appropriate law  
25 enforcement agency and notice to the respondent at the  
26 respondent's last known address, the court may order

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

8 (E) (i) If a person other than the respondent  
9 claims title to any firearms or firearm parts that  
10 could be assembled to make an operable firearm seized  
11 or surrendered under this subsection, the person may  
12 petition the court to have the firearm and firearm  
13 parts that could be assembled to make an operable  
14 firearm returned to him or her with proper notice to  
15 the petitioner and respondent. If, at a hearing on the  
16 petition, the court determines the person to be the  
17 lawful owner of the firearm and firearm parts that  
18 could be assembled to make an operable firearm, the  
19 firearm and firearm parts that could be assembled to  
20 make an operable firearm shall be returned to the  
21 person, provided that:

22 (aa) the firearm and firearm parts that could  
23 be assembled to make an operable firearm are  
24 removed from the respondent's custody, control, or  
25 possession, and the lawful owner agrees to store  
26 the firearm and firearm parts that could be

1 assembled to make an operable firearm in a manner  
2 such that the respondent does not have access to  
3 or control of the firearm and firearm parts that  
4 could be assembled to make an operable firearm;  
5 and

6 (bb) the firearm and firearm parts that could  
7 be assembled to make an operable firearm are not  
8 otherwise unlawfully possessed by the owner.

9 (ii) The person petitioning for the return of his  
10 or her firearm and firearm parts that could be  
11 assembled to make an operable firearm must swear or  
12 affirm by affidavit that he or she:

13 (aa) is the lawful owner of the firearm and  
14 firearm parts that could be assembled to make an  
15 operable firearm;

16 (bb) shall not transfer the firearm and  
17 firearm parts that could be assembled to make an  
18 operable firearm to the respondent; and

19 (cc) will store the firearm and firearm parts  
20 that could be assembled to make an operable  
21 firearm in a manner that the respondent does not  
22 have access to or control of the firearm and  
23 firearm parts that could be assembled to make an  
24 operable firearm.

25 (F) (i) The respondent may file a motion to  
26 transfer, at the next scheduled hearing, any seized or

1 surrendered firearms or firearm parts to a third  
2 party. Notice of the motion shall be provided to the  
3 petitioner and the third party must appear at the  
4 hearing.

5 (ii) The court may order transfer of the seized or  
6 surrendered firearm or firearm parts only if:

7 (aa) the third party transferee affirms by  
8 affidavit and to the open court that:

9 (I) the third party transferee does not  
10 reside with the respondent;

11 (II) the respondent does not have access  
12 to the location in which the third party  
13 transferee intends to keep the firearms or  
14 firearm parts;

15 (III) the third party transferee will not  
16 transfer the firearm or firearm parts to the  
17 respondent or anyone who resides with the  
18 respondent;

19 (IV) the third party transferee will  
20 maintain control and possession of the firearm  
21 or firearm parts until otherwise ordered by  
22 the court; and

23 (V) the third party transferee will be  
24 subject to criminal penalties for transferring  
25 the firearms or firearm parts to the  
26 respondent; and

1 (bb) the court finds that:

2 (I) the third party ~~respondent~~ holds a  
3 valid Firearm Owner's Identification; and

4 (II) the transfer of firearms or firearm  
5 parts to the third party transferee does not  
6 place the petitioner or any other protected  
7 parties at any additional threat or risk of  
8 harm.

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

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

24 (17) Order for injunctive relief. Enter injunctive  
25 relief necessary or appropriate to prevent further abuse  
26 of a family or household member or to effectuate one of the

1 granted remedies, if supported by the balance of  
2 hardships. If the harm to be prevented by the injunction  
3 is abuse or any other harm that one of the remedies listed  
4 in paragraphs (1) through (16) of this subsection is  
5 designed to prevent, no further evidence is necessary to  
6 establish 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. In  
16 this paragraph (18), the term "wireless telephone  
17 service provider" means a provider of commercial  
18 mobile service as defined in 47 U.S.C. 332. The  
19 petitioner may request the transfer of each telephone  
20 number that the petitioner, or a minor child in his or  
21 her custody, uses. The clerk of the court shall serve  
22 the order on the wireless telephone service provider's  
23 agent for service of process provided to the Illinois  
24 Commerce Commission. The order shall contain all of  
25 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 of the  
13 petitioner or any family or household member,  
14 including the concealment of his or her location in  
15 order to evade service of process or notice, and the  
16 likelihood of danger of future abuse to petitioner or  
17 any member of petitioner's or respondent's family or  
18 household; and

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

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

1 limited to, the following:

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

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

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

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

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

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

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

23 (4) (Blank).

24 (5) Never married parties. No rights or  
25 responsibilities for a minor child born outside of  
26 marriage attach to a putative father until a father and

1 child relationship has been established under the Illinois  
2 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
3 the Illinois Public Aid Code, Section 12 of the Vital  
4 Records Act, the Juvenile Court Act of 1987, the Probate  
5 Act of 1975, the Uniform Interstate Family Support Act,  
6 the Expedited Child Support Act of 1990, any judicial,  
7 administrative, or other act of another state or  
8 territory, any other statute of this State, or by any  
9 foreign nation establishing the father and child  
10 relationship, any other proceeding substantially in  
11 conformity with the federal Personal Responsibility and  
12 Work Opportunity Reconciliation Act of 1996, or when both  
13 parties appeared in open court or at an administrative  
14 hearing acknowledging under oath or admitting by  
15 affirmation the existence of a father and child  
16 relationship. Absent such an adjudication, no putative  
17 father shall be granted temporary allocation of parental  
18 responsibilities, including parenting time with the minor  
19 child, or physical care and possession of the minor child,  
20 nor shall an order of payment for support of the minor  
21 child be entered.

22 (d) Balance of hardships; findings. If the court finds  
23 that the balance of hardships does not support the granting of  
24 a remedy governed by paragraph (2), (3), (10), (11), or (16) of  
25 subsection (b) of this Section, which may require such  
26 balancing, the court's findings shall so indicate and shall

1 include a finding as to whether granting the remedy will  
2 result in hardship to respondent that would substantially  
3 outweigh the hardship to petitioner from denial of the remedy.  
4 The findings shall be an official record or in writing.

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

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

10 (2) respondent was voluntarily intoxicated;

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

15 (4) petitioner did not act in self-defense or defense  
16 of another;

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

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

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

25 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
26 102-813, eff. 5-13-22; 103-1065, eff. 5-11-25.)

1 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

2 Sec. 112A-23. Enforcement of protective orders.

3 (a) When violation is crime. A violation of any protective  
4 order, whether issued in a civil, quasi-criminal proceeding or  
5 by a military judge, shall be enforced by a criminal court  
6 when:

7 (1) The respondent commits the crime of violation of a  
8 domestic violence order of protection pursuant to Section  
9 12-3.4 or 12-30 of the Criminal Code of 1961 or the  
10 Criminal Code of 2012, by having knowingly violated:

11 (i) remedies described in paragraph (1), (2), (3),  
12 (14), or (14.5) of subsection (b) of Section 112A-14  
13 of this Code,

14 (ii) a remedy, which is substantially similar to  
15 the remedies authorized under paragraph (1), (2), (3),  
16 (14), or (14.5) of subsection (b) of Section 214 of the  
17 Illinois Domestic Violence Act of 1986, in a valid  
18 order of protection, which is authorized under the  
19 laws of another state, tribe, or United States  
20 territory, or

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

24 Prosecution for a violation of a domestic violence  
25 order of protection shall not bar concurrent prosecution

1 for any other crime, including any crime that may have  
2 been committed at the time of the violation of the  
3 domestic violence order of protection; or

4 (1.5) A person commits the crime of violation of an  
5 order of protection under Section 12-3.4 or 12-30 of the  
6 Criminal Code of 1961 or the Criminal Code of 2012 if the  
7 person, in violation of an order under subparagraph (E) or  
8 (F) of paragraph (14.5) of subsection (b) of Section  
9 112A-14 of this Code, knowingly transfers a firearm or  
10 firearm parts to the respondent or otherwise allows the  
11 respondent access to a firearm or firearm parts.

12 (2) The respondent commits the crime of child  
13 abduction pursuant to Section 10-5 of the Criminal Code of  
14 1961 or the Criminal Code of 2012, by having knowingly  
15 violated:

16 (i) remedies described in paragraph (5), (6), or  
17 (8) of subsection (b) of Section 112A-14 of this Code,  
18 or

19 (ii) a remedy, which is substantially similar to  
20 the remedies authorized under paragraph (1), (5), (6),  
21 or (8) of subsection (b) of Section 214 of the Illinois  
22 Domestic Violence Act of 1986, in a valid domestic  
23 violence order of protection, which is authorized  
24 under the laws of another state, tribe, or United  
25 States territory.

26 (3) The respondent commits the crime of violation of a

1 civil no contact order when the respondent violates  
2 Section 12-3.8 of the Criminal Code of 2012. Prosecution  
3 for a violation of a civil no contact order shall not bar  
4 concurrent prosecution for any other crime, including any  
5 crime that may have been committed at the time of the  
6 violation of the civil no contact order.

7 (4) The respondent commits the crime of violation of a  
8 stalking no contact order when the respondent violates  
9 Section 12-3.9 of the Criminal Code of 2012. Prosecution  
10 for a violation of a stalking no contact order shall not  
11 bar concurrent prosecution for any other crime, including  
12 any crime that may have been committed at the time of the  
13 violation of the stalking no contact order.

14 (b) When violation is contempt of court. A violation of  
15 any valid protective order, whether issued in a civil or  
16 criminal proceeding or by a military judge, may be enforced  
17 through civil or criminal contempt procedures, as appropriate,  
18 by any court with jurisdiction, regardless where the act or  
19 acts which violated the protective order were committed, to  
20 the extent consistent with the venue provisions of this  
21 Article. Nothing in this Article shall preclude any Illinois  
22 court from enforcing any valid protective order issued in  
23 another state. Illinois courts may enforce protective orders  
24 through both criminal prosecution and contempt proceedings,  
25 unless the action which is second in time is barred by  
26 collateral estoppel or the constitutional prohibition against

1 double jeopardy.

2 (1) In a contempt proceeding where the petition for a  
3 rule to show cause sets forth facts evidencing an  
4 immediate danger that the respondent will flee the  
5 jurisdiction, conceal a child, or inflict physical abuse  
6 on the petitioner or minor children or on dependent adults  
7 in petitioner's care, the court may order the attachment  
8 of the respondent without prior service of the rule to  
9 show cause or the petition for a rule to show cause. Bond  
10 shall be set unless specifically denied in writing.

11 (2) A petition for a rule to show cause for violation  
12 of a protective order shall be treated as an expedited  
13 proceeding.

14 (c) Violation of custody, allocation of parental  
15 responsibility, or support orders. A violation of remedies  
16 described in paragraph (5), (6), (8), or (9) of subsection (b)  
17 of Section 112A-14 of this Code may be enforced by any remedy  
18 provided by Section 607.5 of the Illinois Marriage and  
19 Dissolution of Marriage Act. The court may enforce any order  
20 for support issued under paragraph (12) of subsection (b) of  
21 Section 112A-14 of this Code in the manner provided for under  
22 Parts V and VII of the Illinois Marriage and Dissolution of  
23 Marriage Act.

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

1 shown through one of the following means:

2 (1) (Blank).

3 (2) (Blank).

4 (3) By service of a protective order under subsection  
5 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

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

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

11 (1) The existence of a separate, correlative order  
12 entered under Section 112A-15 of this Code.

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

15 (e-5) If a civil no contact order entered under subsection  
16 (6) of Section 112A-20 of the Code of Criminal Procedure of  
17 1963 conflicts with an order issued pursuant to the Juvenile  
18 Court Act of 1987 or the Illinois Marriage and Dissolution of  
19 Marriage Act, the conflicting order issued under subsection  
20 (6) of Section 112A-20 of the Code of Criminal Procedure of  
21 1963 shall be void.

22 (f) Circumstances. The court, when determining whether or  
23 not a violation of a protective order has occurred, shall not  
24 require physical manifestations of abuse on the person of the  
25 victim.

26 (g) Penalties.

1           (1) Except as provided in paragraph (3) of this  
2 subsection (g), where the court finds the commission of a  
3 crime or contempt of court under subsection (a) or (b) of  
4 this Section, the penalty shall be the penalty that  
5 generally applies in such criminal or contempt  
6 proceedings, and may include one or more of the following:  
7 incarceration, payment of restitution, a fine, payment of  
8 attorneys' fees and costs, or community service.

9           (2) The court shall hear and take into account  
10 evidence of any factors in aggravation or mitigation  
11 before deciding an appropriate penalty under paragraph (1)  
12 of this subsection (g).

13           (3) To the extent permitted by law, the court is  
14 encouraged to:

15                 (i) increase the penalty for the knowing violation  
16 of any protective order over any penalty previously  
17 imposed by any court for respondent's violation of any  
18 protective order or penal statute involving petitioner  
19 as victim and respondent as defendant;

20                 (ii) impose a minimum penalty of 24 hours  
21 imprisonment for respondent's first violation of any  
22 protective order; and

23                 (iii) impose a minimum penalty of 48 hours  
24 imprisonment for respondent's second or subsequent  
25 violation of a protective order

26 unless the court explicitly finds that an increased

1 penalty or that period of imprisonment would be manifestly  
2 unjust.

3 (4) In addition to any other penalties imposed for a  
4 violation of a protective order, a criminal court may  
5 consider evidence of any violations of a protective order:

6 (i) to modify the conditions of pretrial release  
7 on an underlying criminal charge pursuant to Section  
8 110-6 of this Code;

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

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

15 (Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21;  
16 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 103-407, eff.  
17 7-28-23.)

18 Section 10. The Illinois Domestic Violence Act of 1986 is  
19 amended by changing Sections 214 and 223 as follows:

20 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

21 Sec. 214. Order of protection; remedies.

22 (a) Issuance of order. If the court finds that petitioner  
23 has been abused by a family or household member or that  
24 petitioner is a high-risk adult who has been abused,

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

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

20 (1) Prohibition of abuse, neglect, or exploitation.  
21 Prohibit respondent's harassment, interference with  
22 personal liberty, intimidation of a dependent, physical  
23 abuse, or willful deprivation, neglect or exploitation, as  
24 defined in this Act, or stalking of the petitioner, as  
25 defined in Section 12-7.3 of the Criminal Code of 2012, if  
26 such abuse, neglect, exploitation, or stalking has

1 occurred or otherwise appears likely to occur if not  
2 prohibited.

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

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

22 (B) Presumption of hardships. If petitioner and  
23 respondent each has the right to occupancy of a  
24 residence or household, the court shall balance (i)  
25 the hardships to respondent and any minor child or  
26 dependent adult in respondent's care resulting from

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

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

23 (3) Stay away order and additional prohibitions. Order  
24 respondent to stay away from petitioner or any other  
25 person protected by the order of protection, or prohibit  
26 respondent from entering or remaining present at

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

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

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

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

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

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

1 change of school by the respondent.

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

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

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

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

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

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

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

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

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

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

25           (8) Removal or concealment of minor child. Prohibit  
26           respondent from removing a minor child from the State or

1 concealing the child within the State.

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

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

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

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

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

25 No order under this provision shall affect title to  
26 property.

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

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

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

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

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

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

1       transferring, encumbering, concealing, harming, or  
2       otherwise disposing of the animal.

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

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

1 additional reasonable expenses for temporary shelter and  
2 restaurant meals.

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

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

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

24 (14.5) Prohibition of possession of firearms and  
25 firearm parts; search and seizure of firearms and firearms  
26 parts.

1 (A) (i) Prohibit a respondent against whom an  
2 emergency, interim, or plenary order of protection was  
3 issued from possessing, during the duration of the  
4 order, any firearms or firearm parts that could be  
5 assembled into an operable firearm if a search warrant  
6 is issued under (A-1) or the order:

7 (aa) was issued after a hearing of which such  
8 person received actual notice, and at which such  
9 person had an opportunity to participate, or the  
10 petitioner has satisfied the requirements of  
11 Section 217;

12 (bb) restrains such person from using physical  
13 force; harassing, stalking, or threatening ~~an~~  
14 ~~intimate partner of such person or child of such~~  
15 ~~intimate partner or person;~~ or engaging in other  
16 conduct that would place a petitioner ~~an intimate~~  
17 ~~partner~~ in reasonable fear of bodily injury ~~to the~~  
18 ~~partner or child;~~ and

19 (cc) includes a finding that such person  
20 represents a credible threat to the physical  
21 safety of a petitioner ~~such intimate partner or~~  
22 ~~child.~~

23 (ii) The court shall order any respondent  
24 prohibited from possessing firearms under item (i) of  
25 subparagraph (A) to surrender any firearms or firearm  
26 parts that could be assembled to make an operable

1 firearm. Any firearms or firearm parts on the  
2 respondent's person or at the place of service shall  
3 be surrendered to the serving officers at the time of  
4 service of the order of protection, and any other  
5 firearms or firearm parts shall be surrendered to  
6 local law enforcement within 24 hours of service of  
7 the order of protection. Any Firearm Owner's  
8 Identification Card or Concealed Carry License in the  
9 possession of the respondent, except as provided in  
10 subparagraph (B), shall also be ordered by the court  
11 to be turned over to the officer serving the order of  
12 protection at the time of service or, if not on the  
13 respondent's person or at the location where the  
14 respondent is served at the time of service, to local  
15 law enforcement within 24 hours of service of the  
16 order of protection. The law enforcement agency shall  
17 immediately mail the card, as well as any license, to  
18 the Illinois State Police Firearm Owner's  
19 Identification Card Office for safekeeping.

20 (A-1)(i) Upon issuance of an emergency, interim,  
21 or plenary order of protection and subject to the  
22 provisions of item (ii) of this subparagraph (A-1),  
23 the court shall issue a search warrant for the seizure  
24 of any firearms or firearm parts that could be  
25 assembled to make an operable firearm belonging to the  
26 respondent if the court, based upon sworn testimony,

1 finds that:

2 (aa) the respondent poses a credible threat to  
3 the physical safety of the petitioner protected by  
4 the order of protection; and

5 (bb) probable cause exists to believe that:

6 (I) the respondent possesses firearms or  
7 firearm parts that could be assembled to make  
8 an operable firearm;

9 (II) the firearms or firearm parts that  
10 could be assembled to make an operable firearm  
11 are located at the residence, vehicle, or  
12 other property of the respondent to be  
13 searched; and

14 (III) the credible threat to the physical  
15 safety of the petitioner protected by the  
16 order of protection is immediate and present.

17 The record shall reflect the court's findings in  
18 determining whether the search warrant shall be  
19 issued.

20 (ii) If the petitioner does not seek a warrant  
21 under this subparagraph (A-1) or the court determines  
22 that the requirements of this subparagraph (A-1) have  
23 not been met, relief under subparagraph (A) alone may  
24 be granted.

25 (iii) An ex parte search warrant shall be granted  
26 under this subparagraph (A-1) only if the court finds

1           that:

2                   (aa) the elements of item (i) of subparagraph  
3                   (A-1) have been met;

4                   (bb) personal injury to the petitioner is  
5                   likely to occur if the respondent received prior  
6                   notice; and

7                   (cc) the petitioner has otherwise satisfied  
8                   the requirements of Section 217 of this Act.

9                   (iv) Oral testimony is sufficient in lieu of an  
10                  affidavit to support a finding of probable cause.

11                  (v) A search warrant issued under this  
12                  subparagraph (A-1) shall be directed by the court for  
13                  enforcement to the law enforcement agency with primary  
14                  responsibility for responding to calls for service at  
15                  the location to be searched or to another appropriate  
16                  law enforcement agency if justified by the  
17                  circumstances. The search warrant shall specify with  
18                  particularity the scope of the search, including the  
19                  property to be searched, and shall direct the law  
20                  enforcement agency to seize the respondent's firearms  
21                  and firearm parts that could be assembled to make an  
22                  operable firearm. Law enforcement shall also be  
23                  directed to seize any Firearm Owner's Identification  
24                  Card and any Concealed Carry License belonging to the  
25                  respondent.

26                  (vi) The petitioner shall prepare an information

1 sheet, reviewed by the court, for law enforcement at  
2 the time the warrant is granted. The information sheet  
3 shall include:

4 (aa) contact information for the petitioner,  
5 the petitioner's attorney, or both, including a  
6 telephone number and email, if available;

7 (bb) a physical description of the respondent,  
8 including the respondent's date of birth, if  
9 known, or approximate age, height, weight, race,  
10 and hair color;

11 (cc) days and times that the respondent is  
12 likely to be at the property to be searched, if  
13 known; and

14 (dd) whether people other than the respondent  
15 are likely to be present at the property to be  
16 searched and when, if known.

17 (vii) The information sheet shall be transmitted  
18 to the law enforcement agency to which the search  
19 warrant is directed in the same manner as the warrant  
20 is transmitted under Section 222 of this Act.

21 (viii) If the court, after determining a search  
22 warrant should issue, finds that the petitioner has  
23 made a credible report of domestic violence to the  
24 local law enforcement agency within the previous 90  
25 days, law enforcement shall execute the warrant no  
26 later than 96 hours after receipt of the warrant. If

1 the court finds that petitioner has not made such a  
2 report, the law enforcement agency to which the court  
3 has directed the warrant shall, within 48 hours of  
4 receipt, evaluate the warrant and seek any corrections  
5 to the warrant, and, if applicable, add to or negate  
6 the warrant. If the law enforcement agency seeks to  
7 correct or negate the warrant, it shall take  
8 reasonable steps to notify the petitioner before  
9 appearing before the court. The record shall reflect  
10 the court's findings in determining whether to  
11 correct, add, or negate the warrant. If a change is  
12 made regarding the search warrant, law enforcement  
13 shall execute the warrant no later than 96 hours after  
14 the correction is issued. The law enforcement agency  
15 shall notify the petitioner of any changes to the  
16 warrant or if the warrant has been negated. The law  
17 enforcement agency to which the court has directed the  
18 warrant may coordinate with other law enforcement  
19 agencies to execute the warrant. A return of the  
20 warrant shall be filed by the law enforcement agency  
21 within 24 hours of execution, setting forth the time,  
22 date, and location where the warrant was executed and  
23 what items, if any, were seized. If the court is not in  
24 session, the return information shall be returned on  
25 the next date the court is in session. Subject to the  
26 provisions of this Section, peace officers shall have

1 the same authority to execute a warrant issued  
2 pursuant to this subsection as a warrant issued under  
3 Article 108 of the Code of Criminal Procedure of 1963.

4 (ix) Upon discovering a defect in the search  
5 warrant, the appropriate law enforcement agency may  
6 petition the court to correct the warrant. The law  
7 enforcement agency shall take reasonable steps to  
8 notify the petitioner before appearing before the  
9 court and shall notify the petitioner of any such  
10 correction.

11 (x) Upon petition by the appropriate law  
12 enforcement agency, the court may modify the search  
13 warrant or extend the time to execute the search  
14 warrant for a period of no more than 96 hours. In  
15 determining whether to modify or extend the warrant,  
16 the court shall consider:

17 (aa) any increased risk to the petitioner's  
18 safety that may result from a modification or  
19 extension of the warrant;

20 (bb) any unnecessary risk to law enforcement  
21 that would be mitigated by a modification or  
22 extension of the warrant;

23 (cc) any risks to third parties at the  
24 location to be searched that would be mitigated by  
25 a modification or extension of the warrant; and

26 (dd) the likelihood of successful execution of

1 warrant.

2 The record shall reflect the court's findings in  
3 determining whether to extend or modify the warrant.  
4 The law enforcement agency shall take reasonable steps  
5 to notify the petitioner before appearing before the  
6 court and shall notify the petitioner of any  
7 modification or extension of the warrant.

8 (xi) Service of any order of protection shall, to  
9 the extent possible, be concurrent with the execution  
10 of any search warrant under this paragraph.

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) (i) Any firearms or firearm parts that could be  
21 assembled to make an operable firearm shall be kept by  
22 the law enforcement agency that took possession of the  
23 items for safekeeping, except as provided in  
24 subparagraph (B). The period of safekeeping shall be  
25 for the duration of the order of protection. Except as  
26 provided in subparagraph (E), the respondent is

1 prohibited from transferring firearms or firearm parts  
2 to another individual in lieu of surrender to law  
3 enforcement. The law enforcement agency shall provide  
4 an itemized statement of receipt to the respondent and  
5 the court describing any seized or surrendered  
6 firearms or firearm parts and informing the respondent  
7 that the respondent may seek the return of the  
8 respondent's items at the end of the order of  
9 protection. The law enforcement agency may enter  
10 arrangements, as needed, with federally licensed  
11 firearm dealers or other law enforcement agencies for  
12 the storage of any firearms seized or surrendered  
13 under this subsection.

14 (ii) It is the respondent's responsibility to  
15 request the return or reinstatement of any Firearm  
16 Owner's Identification Card or Concealed Carry License  
17 and notify the Illinois State Police Firearm Owner's  
18 Identification Card Office at the end of the Order of  
19 Protection.

20 (iii) At the end of the order of protection, a  
21 respondent may request the return of any seized or  
22 surrendered firearms or firearm parts that could be  
23 assembled to make an operable firearm. Such firearms  
24 or firearm parts shall be returned within 14 days of  
25 the request to the respondent, if the respondent is  
26 lawfully eligible to possess firearms, or to a

1 designated third party who is lawfully eligible to  
2 possess firearms. If the firearms or firearm parts  
3 cannot be returned to respondent because (1) the  
4 respondent has not requested the return or transfer of  
5 the firearms or firearm parts as set forth in this  
6 subparagraph, and (2) the respondent cannot be located  
7 or fails to respond to more than 3 requests to retrieve  
8 the firearms or firearm parts the court may, or is not  
9 lawfully eligible to possess a firearm, upon petition  
10 from the appropriate law enforcement agency and notice  
11 to the respondent at the respondent's last known  
12 address, order the law enforcement agency to destroy  
13 the firearms or firearm parts; use the firearms or  
14 firearm parts for training purposes or for any other  
15 application as deemed appropriate by the law  
16 enforcement agency; or turn over the firearm or  
17 firearm parts to a third party who is lawfully  
18 eligible to possess firearms, and who does not reside  
19 with respondent.

20 (D) (i) If a person other than the respondent  
21 claims title to any firearms and firearm parts that  
22 could be assembled to make an operable firearm seized  
23 or surrendered under this subsection, the person may  
24 petition the court to have the firearm and firearm  
25 parts that could be assembled to make an operable  
26 firearm returned to him or her with proper notice to

1 the petitioner and respondent. If, at a hearing on the  
2 petition, the court determines the person to be the  
3 lawful owner of the firearm and firearm parts that  
4 could be assembled to make an operable firearm, the  
5 firearm and firearm parts that could be assembled to  
6 make an operable firearm shall be returned to the  
7 person, provided that:

8 (aa) the firearm and firearm parts that could  
9 be assembled to make an operable firearm are  
10 removed from the respondent's custody, control, or  
11 possession and the lawful owner agrees to store  
12 the firearm and firearm parts that could be  
13 assembled to make an operable firearm in a manner  
14 such that the respondent does not have access to  
15 or control of the firearm and firearm parts that  
16 could be assembled to make an operable firearm;  
17 and

18 (bb) the firearm and firearm parts that could  
19 be assembled to make an operable firearm are not  
20 otherwise unlawfully possessed by the owner.

21 (ii) The person petitioning for the return of his  
22 or her firearm and firearm parts that could be  
23 assembled to make an operable firearm must swear or  
24 affirm by affidavit that he or she:

25 (aa) is the lawful owner of the firearm and  
26 firearm parts that could be assembled to make an

1 operable firearm;

2 (bb) shall not transfer the firearm and  
3 firearm parts that could be assembled to make an  
4 operable firearm to the respondent; and

5 (cc) will store the firearm and firearm parts  
6 that could be assembled to make an operable  
7 firearm in a manner that the respondent does not  
8 have access to or control of the firearm and  
9 firearm parts that could be assembled to make an  
10 operable firearm.

11 (E) (i) The respondent may file a motion to  
12 transfer, at the next scheduled hearing, any seized or  
13 surrendered firearms or firearm parts to a third  
14 party. Notice of the motion shall be provided to the  
15 petitioner and the third party must appear at the  
16 hearing.

17 (ii) The court may order transfer of the seized or  
18 surrendered firearm or firearm parts only if:

19 (aa) the third party transferee affirms by  
20 affidavit and to the open court that:

21 (I) the third party transferee does not  
22 reside with the respondent;

23 (II) the respondent does not have access  
24 to the location in which the third party  
25 transferee intends to keep the firearms or  
26 firearm parts;

1 (III) the third party transferee will not  
2 transfer the firearm or firearm parts to the  
3 respondent or anyone who resides with the  
4 respondent;

5 (IV) the third party transferee will  
6 maintain control and possession of the firearm  
7 or firearm parts until otherwise ordered by  
8 the court; and

9 (V) the third party transferee will be  
10 subject to criminal penalties for transferring  
11 the firearms or firearm parts to the  
12 respondent; and

13 (bb) the court finds that:

14 (I) the third party ~~respondent~~ holds a  
15 valid Firearm Owner's Identification; and

16 (II) the transfer of firearms or firearm  
17 parts to the third party transferee does not  
18 place the petitioner or any other protected  
19 parties at any additional threat or risk of  
20 harm.

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

1 and prohibit respondent from inspecting, obtaining, or  
2 attempting to inspect or obtain, school or any other  
3 records of the minor child who is in the care of  
4 petitioner.

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

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

20 (18) Telephone services.

21 (A) Unless a condition described in subparagraph  
22 (B) of this paragraph exists, the court may, upon  
23 request by the petitioner, order a wireless telephone  
24 service provider to transfer to the petitioner the  
25 right to continue to use a telephone number or numbers  
26 indicated by the petitioner and the financial

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

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

17 (ii) Each telephone number that will be  
18 transferred.

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

23 (B) A wireless telephone service provider shall  
24 terminate the respondent's use of, and shall transfer  
25 to the petitioner use of, the telephone number or  
26 numbers indicated in subparagraph (A) of this

1 paragraph unless it notifies the petitioner, within 72  
2 hours after it receives the order, that one of the  
3 following applies:

4 (i) The account holder named in the order has  
5 terminated the account.

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

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

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

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

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

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

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

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

19 (c) Relevant factors; findings.

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

24           (i) the nature, frequency, severity, pattern and  
25 consequences of the respondent's past abuse, neglect  
26 or exploitation of the petitioner or any family or

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

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

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

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

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

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

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

1 set forth the following:

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

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

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

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

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

26 (5) Never married parties. No rights or

1 responsibilities for a minor child born outside of  
2 marriage attach to a putative father until a father and  
3 child relationship has been established under the Illinois  
4 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
5 the Illinois Public Aid Code, Section 12 of the Vital  
6 Records Act, the Juvenile Court Act of 1987, the Probate  
7 Act of 1975, the Revised Uniform Reciprocal Enforcement of  
8 Support Act, the Uniform Interstate Family Support Act,  
9 the Expedited Child Support Act of 1990, any judicial,  
10 administrative, or other act of another state or  
11 territory, any other Illinois statute, or by any foreign  
12 nation establishing the father and child relationship, any  
13 other proceeding substantially in conformity with the  
14 Personal Responsibility and Work Opportunity  
15 Reconciliation Act of 1996 (Pub. L. 104-193), or where  
16 both parties appeared in open court or at an  
17 administrative hearing acknowledging under oath or  
18 admitting by affirmation the existence of a father and  
19 child relationship. Absent such an adjudication, finding,  
20 or acknowledgment, no putative father shall be granted  
21 temporary allocation of parental responsibilities,  
22 including parenting time with the minor child, or physical  
23 care and possession of the minor child, nor shall an order  
24 of payment for support of the minor child be entered.

25 (d) Balance of hardships; findings. If the court finds  
26 that the balance of hardships does not support the granting of

1 a remedy governed by paragraph (2), (3), (10), (11), or (16) of  
2 subsection (b) of this Section, which may require such  
3 balancing, the court's findings shall so indicate and shall  
4 include a finding as to whether granting the remedy will  
5 result in hardship to respondent that would substantially  
6 outweigh the hardship to petitioner from denial of the remedy.  
7 The findings shall be an official record or in writing.

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

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

13 (2) Respondent was voluntarily intoxicated;

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

18 (4) Petitioner did not act in self-defense or defense  
19 of another;

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

23 (6) Petitioner did not leave the residence or  
24 household to avoid further abuse, neglect, or exploitation  
25 by respondent;

26 (7) Conduct by any family or household member excused

1 the abuse, neglect, or exploitation by respondent, unless  
2 that same conduct would have excused such abuse, neglect,  
3 or exploitation if the parties had not been family or  
4 household members.

5 (Source: P.A. 102-538, eff. 8-20-21; 103-1065, eff. 5-11-25.)

6 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

7 Sec. 223. Enforcement of orders of protection.

8 (a) When violation is crime. A violation of any order of  
9 protection, whether issued in a civil or criminal proceeding  
10 or by a military judge, shall be enforced by a criminal court  
11 when:

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

16 (i) remedies described in paragraphs (1), (2),  
17 (3), (14), or (14.5) of subsection (b) of Section 214  
18 of this Act; or

19 (ii) a remedy, which is substantially similar to  
20 the remedies authorized under paragraphs (1), (2),  
21 (3), (14), and (14.5) of subsection (b) of Section 214  
22 of this Act, in a valid order of protection which is  
23 authorized under the laws of another state, tribe, or  
24 United States territory; or

25 (iii) any other remedy when the act constitutes a

1 crime against the protected parties as defined by the  
2 Criminal Code of 1961 or the Criminal Code of 2012.

3 Prosecution for a violation of an order of protection  
4 shall not bar concurrent prosecution for any other crime,  
5 including any crime that may have been committed at the  
6 time of the violation of the order of protection; or

7 (1.5) A person commits the crime of violation of an  
8 order of protection under Section 12-3.4 or 12-30 of the  
9 Criminal Code of 1961 or the Criminal Code of 2012 if the  
10 person, in violation of an order under subparagraph (D) or  
11 (E) of paragraph (14.5) of subsection (b) of Section 214  
12 of this Act, knowingly transfers a firearm or firearm  
13 parts to the respondent or otherwise allows the respondent  
14 access to a firearm or firearm parts.

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

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

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

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

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

25 (2) A petition for a rule to show cause for violation  
26 of an order of protection shall be treated as an expedited

1 proceeding.

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

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

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

23 (d) Actual knowledge. An order of protection may be  
24 enforced pursuant to this Section if the respondent violates  
25 the order after the respondent has actual knowledge of its  
26 contents as shown through one of the following means:

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

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

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

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

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

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

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

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

18 (g) Penalties.

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

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

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

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

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

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

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

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

25                 (i) to increase, revoke or modify the conditions  
26 of pretrial release on an underlying criminal charge

1           pursuant to Section 110-6 of the Code of Criminal  
2           Procedure of 1963;

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

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

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

15          (Source: P.A. 102-890, eff. 5-19-22; 103-407, eff. 7-28-23.)