

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-3, 112A-5.5, 112A-11.5, and
6 112A-14 as follows:

7 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

8 Sec. 112A-3. Definitions.

9 (a) In this Article:

10 "Advocate" means a person whose communications with the
11 victim are privileged under Section 8-802.1 or 8-802.2 of the
12 Code of Civil Procedure or Section 227 of the Illinois
13 Domestic Violence Act of 1986.

14 "Named victim" means the person named as the victim in the
15 delinquency petition or criminal prosecution.

16 "Protective order" means a domestic violence order of
17 protection, a civil no contact order, or a stalking no contact
18 order.

19 (b) For the purposes of domestic violence cases, the
20 following terms shall have the following meanings in this
21 Article:

22 (1) "Abuse" means physical abuse, harassment,
23 intimidation of a dependent, interference with personal

1 liberty or willful deprivation but does not include
2 reasonable direction of a minor child by a parent or
3 person in loco parentis.

4 (2) "Domestic violence" means abuse as described in
5 paragraph (1) of this subsection (b).

6 (3) "Family or household members" include spouses,
7 former spouses, parents, children, stepchildren, and other
8 persons related by blood or by present or prior marriage,
9 persons who share or formerly shared a common dwelling,
10 persons who have or allegedly have a child in common,
11 persons who share or allegedly share a blood relationship
12 through a child, persons who have or have had a dating or
13 engagement relationship, persons with disabilities and
14 their personal assistants, and caregivers as defined in
15 subsection (e) of Section 12-4.4a of the Criminal Code of
16 2012. For purposes of this paragraph (3), neither a casual
17 acquaintanceship nor ordinary fraternization between 2
18 individuals in business or social contexts shall be deemed
19 to constitute a dating relationship.

20 (4) "Harassment" means knowing conduct which is not
21 necessary to accomplish a purpose which is reasonable
22 under the circumstances; would cause a reasonable person
23 emotional distress; and does cause emotional distress to
24 the petitioner. Unless the presumption is rebutted by a
25 preponderance of the evidence, the following types of
26 conduct shall be presumed to cause emotional distress:

1 (i) creating a disturbance at petitioner's place
2 of employment or school;

3 (ii) repeatedly contacting the petitioner directly
4 or indirectly through any means, including, but not
5 limited to, telephonic, electronic, or online;
6 ~~telephoning petitioner's place of employment, home or~~
7 ~~residence;~~

8 (iii) repeatedly following the petitioner,
9 including, but not limited to, directly or indirectly
10 through third parties, or by using electronic tracking
11 or monitoring, or acquiring information, to determine
12 the petitioner's location, movement, or travel
13 patterns without the petitioner's knowledge or
14 consent; ~~repeatedly following petitioner about in a~~
15 ~~public place or places;~~

16 (iv) repeatedly surveilling the petitioner or
17 tracking petitioner's location, directly or
18 indirectly, including, but not limited to, by
19 remaining present at or outside the petitioner's home,
20 school, place of employment, vehicle, or other place
21 occupied by the petitioner, by peering in the
22 petitioner's windows, by using electronic tracking or
23 monitoring, or by acquiring information to determine
24 the petitioner's location, movement, or travel
25 patterns without the petitioner's knowledge and
26 consent; ~~repeatedly keeping petitioner under~~

~~surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner's windows;~~

(v) improperly concealing a minor child from petitioner, repeatedly threatening to improperly remove a minor child of petitioner's from the jurisdiction or from the physical care of petitioner, repeatedly threatening to conceal a minor child from petitioner, or making a single such threat following an actual or attempted improper removal or concealment, unless respondent was fleeing from an incident or pattern of domestic violence; ~~or~~

(vi) threatening physical force, confinement or restraint on one or more occasions; ~~or~~

(vii) non-consensual dissemination or threatening the dissemination of electronically generated or digitally altered content using the image, voice, or other characteristic of the petitioner to falsely and deceptively impersonate the petitioner or the petitioner's representative;

(viii) non-consensual dissemination or threatening the non-consensual dissemination of private sexual images and digitally altered sexual images as defined in Section 5 of the Civil Remedies for Nonconsensual Dissemination of Private Sexual Images Act; or

1 (ix) engaging in doxing as defined in the Civil
2 Liability for Doxing Act.

3 (5) "Interference with personal liberty" means
4 committing or threatening physical abuse, harassment,
5 intimidation or willful deprivation so as to compel
6 another to engage in conduct from which she or he has a
7 right to abstain or to refrain from conduct in which she or
8 he has a right to engage.

9 (6) "Intimidation of a dependent" means subjecting a
10 person who is dependent because of age, health, or
11 disability to participation in or the witnessing of:
12 physical force against another or physical confinement or
13 restraint of another which constitutes physical abuse as
14 defined in this Article, regardless of whether the abused
15 person is a family or household member.

16 (7) "Order of protection" or "domestic violence order
17 of protection" means an ex parte or final order, granted
18 pursuant to this Article, which includes any or all of the
19 remedies authorized by Section 112A-14 of this Code.

20 (8) "Petitioner" may mean not only any named
21 petitioner for the domestic violence order of protection
22 and any named victim of abuse on whose behalf the petition
23 is brought, but also any other person protected by this
24 Article.

25 (9) "Physical abuse" includes sexual abuse and means
26 any of the following:

1 (i) knowing or reckless use of physical force,
2 confinement or restraint;

3 (ii) knowing, repeated and unnecessary sleep
4 deprivation; or

5 (iii) knowing or reckless conduct which creates an
6 immediate risk of physical harm.

7 (9.3) "Respondent" in a petition for a domestic
8 violence order of protection means the defendant.

9 (9.5) "Stay away" means for the respondent to refrain
10 from both physical presence and nonphysical contact with
11 the petitioner whether direct, indirect (including, but
12 not limited to, telephone calls, mail, email, faxes, and
13 written notes), or through third parties who may or may
14 not know about the domestic violence order of protection.

15 (10) "Willful deprivation" means wilfully denying a
16 person who because of age, health or disability requires
17 medication, medical care, shelter, accessible shelter or
18 services, food, therapeutic device, or other physical
19 assistance, and thereby exposing that person to the risk
20 of physical, mental or emotional harm, except with regard
21 to medical care and treatment when such dependent person
22 has expressed the intent to forgo such medical care or
23 treatment. This paragraph (10) does not create any new
24 affirmative duty to provide support to dependent persons.

25 (c) For the purposes of cases involving sexual offenses,
26 the following terms shall have the following meanings in this

1 Article:

2 (1) "Civil no contact order" means an ex parte or
3 final order granted under this Article, which includes a
4 remedy authorized by Section 112A-14.5 of this Code.

5 (2) "Family or household members" include spouses,
6 parents, children, stepchildren, and persons who share a
7 common dwelling.

8 (3) "Non-consensual" means a lack of freely given
9 agreement.

10 (4) "Petitioner" means not only any named petitioner
11 for the civil no contact order and any named victim of
12 non-consensual sexual conduct or non-consensual sexual
13 penetration on whose behalf the petition is brought, but
14 includes any other person sought to be protected under
15 this Article.

16 (5) "Respondent" in a petition for a civil no contact
17 order means the defendant.

18 (6) "Sexual conduct" means any intentional or knowing
19 touching or fondling by the petitioner or the respondent,
20 either directly or through clothing, of the sex organs,
21 anus, or breast of the petitioner or the respondent, or
22 any part of the body of a child under 13 years of age, or
23 any transfer or transmission of semen by the respondent
24 upon any part of the clothed or unclothed body of the
25 petitioner, for the purpose of sexual gratification or
26 arousal of the petitioner or the respondent.

1 (7) "Sexual penetration" means any contact, however
2 slight, between the sex organ or anus of one person by an
3 object, the sex organ, mouth or anus of another person, or
4 any intrusion, however slight, of any part of the body of
5 one person or of any animal or object into the sex organ or
6 anus of another person, including, but not limited to,
7 cunnilingus, fellatio, or anal penetration. Evidence of
8 emission of semen is not required to prove sexual
9 penetration.

10 (8) "Stay away" means to refrain from both physical
11 presence and nonphysical contact with the petitioner
12 directly, indirectly, or through third parties who may or
13 may not know of the order. "Nonphysical contact" includes,
14 but is not limited to, telephone calls, mail, e-mail, fax,
15 and written notes.

16 (d) For the purposes of cases involving stalking offenses,
17 the following terms shall have the following meanings in this
18 Article:

19 (1) "Course of conduct" means 2 or more acts,
20 including, but not limited to, acts in which a respondent
21 directly, indirectly, or through third parties, by any
22 action, method, device, or means follows, monitors,
23 observes, surveils, threatens, or communicates to or
24 about, a person, engages in other contact, or interferes
25 with or damages a person's property or pet. A course of
26 conduct may include contact via electronic communications.

1 The incarceration of a person in a penal institution who
2 commits the course of conduct is not a bar to prosecution.

3 (2) "Emotional distress" means significant mental
4 suffering, anxiety, or alarm.

5 (3) "Contact" includes any contact with the victim,
6 that is initiated or continued without the victim's
7 consent, or that is in disregard of the victim's expressed
8 desire that the contact be avoided or discontinued,
9 including, but not limited to, being in the physical
10 presence of the victim; appearing within the sight of the
11 victim; approaching or confronting the victim in a public
12 place or on private property; appearing at the workplace
13 or residence of the victim; entering onto or remaining on
14 property owned, leased, or occupied by the victim; or
15 placing an object on, or delivering an object to, property
16 owned, leased, or occupied by the victim.

17 (4) "Petitioner" means any named petitioner for the
18 stalking no contact order or any named victim of stalking
19 on whose behalf the petition is brought.

20 (5) "Reasonable person" means a person in the
21 petitioner's circumstances with the petitioner's knowledge
22 of the respondent and the respondent's prior acts.

23 (6) "Respondent" in a petition for a civil no contact
24 order means the defendant.

25 (7) "Stalking" means engaging in a course of conduct
26 directed at a specific person, and he or she knows or

1 should know that this course of conduct would cause a
2 reasonable person to fear for his or her safety or the
3 safety of a third person or suffer emotional distress.

4 "Stalking" does not include an exercise of the right to
5 free speech or assembly that is otherwise lawful or
6 picketing occurring at the workplace that is otherwise
7 lawful and arises out of a bona fide labor dispute,
8 including any controversy concerning wages, salaries,
9 hours, working conditions or benefits, including health
10 and welfare, sick leave, insurance, and pension or
11 retirement provisions, the making or maintaining of
12 collective bargaining agreements, and the terms to be
13 included in those agreements.

14 (8) "Stalking no contact order" means an ex parte or
15 final order granted under this Article, which includes a
16 remedy authorized by Section 112A-14.7 of this Code.

17 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

18 (725 ILCS 5/112A-5.5)

19 Sec. 112A-5.5. Time for filing petition; service on
20 respondent, hearing on petition, and default orders.

21 (a) A petition for a protective order may be filed at any
22 time, in person or online, after a criminal charge or
23 delinquency petition is filed and before the charge or
24 delinquency petition is dismissed, the defendant or juvenile
25 is acquitted, or the defendant or juvenile completes service

1 of his or her sentence.

2 (b) The request for an ex parte protective order may be
3 considered without notice to the respondent under Section
4 112A-17.5 of this Code.

5 (c) A summons shall be issued and served for a protective
6 order. The summons may be served by delivery to the respondent
7 personally in open court in the criminal or juvenile
8 delinquency proceeding, in the form prescribed by subsection

9 (d) of Supreme Court Rule 101, except that it shall require the
10 respondent to answer or appear within 7 days. Attachments to
11 the summons shall include the petition for protective order,
12 supporting affidavits, if any, and any ex parte protective
13 order that has been issued.

14 (d) The summons shall be served by the sheriff or other law
15 enforcement officer at the earliest time available and shall
16 take precedence over any other summons, except those of a
17 similar emergency nature. Attachments to the summons shall
18 include the petition for protective order, supporting
19 affidavits, if any, and any ex parte protective order that has
20 been issued. Special process servers may be appointed at any
21 time and their designation shall not affect the
22 responsibilities and authority of the sheriff or other
23 official process servers. In a county with a population over
24 3,000,000, a special process server may not be appointed if
25 the protective order grants the surrender of a child, the
26 surrender of a firearm or Firearm Owner's Identification Card,

1 or the exclusive possession of a shared residence.

2 (e) If the respondent is not served within 30 days of the
3 filing of the petition, the court shall schedule a court
4 proceeding on the issue of service. Either the petitioner, the
5 petitioner's counsel, or the State's Attorney shall appear and
6 the court shall either order continued attempts at personal
7 service or shall order service by publication, in accordance
8 with Sections 2-203, 2-206, and 2-207 of the Code of Civil
9 Procedure.

10 (f) The request for a final protective order can be
11 considered at any court proceeding in the delinquency or
12 criminal case after service of the petition. If the petitioner
13 has not been provided notice of the court proceeding at least
14 10 days in advance of the proceeding, the court shall schedule
15 a hearing on the petition and provide notice to the
16 petitioner.

17 (f-5) A court ~~in a county with a population above 250,000~~
18 shall offer the option of a remote hearing to a petitioner for
19 a protective order. The court shall grant a request for a
20 remote hearing unless good cause is shown for denial ~~has the~~
21 ~~discretion to grant or deny the request for a remote hearing.~~
22 Each court shall determine the procedure for a remote hearing.
23 The petitioner, applicable witness or witnesses and respondent
24 may appear remotely or in person.

25 The court shall issue and publish a court order, standing
26 order, or local rule detailing information about the process

1 for requesting and participating in a remote court appearance.
2 The court order, standing order, or local rule shall be
3 published on the court's website and posted on signs
4 throughout the courthouse, including in the clerk's office.
5 The sign shall be written in plain language and include
6 information about the availability of remote court appearances
7 and the process for requesting a remote hearing.

8 (g) Default orders.

9 (1) A final domestic violence order of protection may
10 be entered by default:

11 (A) for any of the remedies sought in the
12 petition, if the respondent has been served with
13 documents under subsection (b) or (c) of this Section
14 and if the respondent fails to appear on the specified
15 return date or any subsequent hearing date agreed to
16 by the petitioner and respondent or set by the court;
17 or

18 (B) for any of the remedies provided under
19 paragraph (1), (2), (3), (5), (6), (7), (8), (9),
20 (10), (11), (14), (15), (17), or (18) of subsection
21 (b) of Section 112A-14 of this Code, or if the
22 respondent fails to answer or appear in accordance
23 with the date set in the publication notice or the
24 return date indicated on the service of a household
25 member.

26 (2) A final civil no contact order may be entered by

1 default for any of the remedies provided in Section
2 112A-14.5 of this Code, if the respondent has been served
3 with documents under subsection (b) or (c) of this
4 Section, and if the respondent fails to answer or appear
5 in accordance with the date set in the publication notice
6 or the return date indicated on the service of a household
7 member.

8 (3) A final stalking no contact order may be entered
9 by default for any of the remedies provided by Section
10 112A-14.7 of this Code, if the respondent has been served
11 with documents under subsection (b) or (c) of this Section
12 and if the respondent fails to answer or appear in
13 accordance with the date set in the publication notice or
14 the return date indicated on the service of a household
15 member.

16 (Source: P.A. 102-853, eff. 1-1-23; 103-154, eff. 6-30-23.)

17 (725 ILCS 5/112A-11.5)

18 Sec. 112A-11.5. Issuance of protective order.

19 (a) Except as provided in subsection (a-5) of this
20 Section, the court shall grant the petition and enter a
21 protective order if the court finds prima facie evidence that
22 a crime involving domestic violence, a sexual offense, or a
23 crime involving stalking has been committed. The following
24 shall be considered prima facie evidence of the crime:

25 (1) an information, complaint, indictment, or

1 delinquency petition, charging a crime of domestic
2 violence, a sexual offense, or stalking or charging an
3 attempt to commit a crime of domestic violence, a sexual
4 offense, or stalking;

5 (2) an adjudication of delinquency, a finding of guilt
6 based upon a plea, or a finding of guilt after a trial for
7 a crime of domestic battery, a sexual crime, or stalking
8 or an attempt to commit a crime of domestic violence, a
9 sexual offense, or stalking;

10 (3) any dispositional order issued under Section 5-710
11 of the Juvenile Court Act of 1987, the imposition of
12 supervision, conditional discharge, probation, periodic
13 imprisonment, parole, aftercare release, or mandatory
14 supervised release for a crime of domestic violence, a
15 sexual offense, or stalking or an attempt to commit a
16 crime of domestic violence, a sexual offense, or stalking,
17 or imprisonment in conjunction with a bond forfeiture
18 warrant; or

19 (4) the entry of a protective order in a separate
20 civil case brought by the petitioner against the
21 respondent.

22 (a-5) The respondent may rebut prima facie evidence of the
23 crime under paragraph (1) of subsection (a) of this Section by
24 presenting evidence of a meritorious defense. The respondent
25 shall file a written notice alleging a meritorious defense
26 which shall be verified and supported by affidavit. The

1 verified notice and affidavit shall set forth the evidence
2 that will be presented at a hearing. If the court finds that
3 the evidence presented at the hearing establishes a
4 meritorious defense by a preponderance of the evidence, the
5 court may decide not to issue a protective order.

6 (b) The petitioner shall not be denied a protective order
7 because the petitioner or the respondent is a minor or solely
8 upon the basis that the respondent or petitioner is
9 incarcerated in a penal institution at the time of the
10 issuance of the order.

11 (c) The court, when determining whether or not to issue a
12 protective order, may not require physical injury on the
13 person of the victim.

14 (d) If the court issues a final protective order under
15 this Section, the court shall afford the petitioner and
16 respondent an opportunity to be heard on the remedies
17 requested in the petition.

18 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

19 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

20 Sec. 112A-14. Domestic violence order of protection;
21 remedies.

22 (a) (Blank).

23 (b) The court may order any of the remedies listed in this
24 subsection (b). The remedies listed in this subsection (b)
25 shall be in addition to other civil or criminal remedies

1 available to petitioner.

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

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

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

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

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

1 household.

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

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

24 (B) When the petitioner and the respondent attend
25 the same public, private, or non-public elementary,
26 middle, or high school, the court when issuing a

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

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

24 (C) The court may order the parents, guardian, or
25 legal custodian of a minor respondent to take certain
26 actions or to refrain from taking certain actions to

1 ensure that the respondent complies with the order. If
2 the court orders a transfer of the respondent to
3 another school, the parents, guardian, or legal
4 custodian of the respondent is responsible for
5 transportation and other costs associated with the
6 change of school by the respondent.

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

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

1 a minor child from, the physical care of a parent or person
2 in loco parentis.

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

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

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

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

1 (i) abuse or endanger the minor child during
2 parenting time;

3 (ii) use the parenting time as an opportunity to
4 abuse or harass petitioner or petitioner's family or
5 household members;

6 (iii) improperly conceal or detain the minor
7 child; or

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

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

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

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

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

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

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

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

26 If petitioner's sole claim to ownership of the

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

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

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

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

16 (ii) the petitioner and respondent own the
17 property jointly, and the balance of hardships favors
18 granting this remedy.

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

25 The court may further prohibit respondent from
26 improperly using the financial or other resources of an

1 aged member of the family or household for the profit or
2 advantage of respondent or of any other person.

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

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

1 significant decision-making responsibility unless
2 otherwise provided in the order.

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

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

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

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

6 (14.5) Prohibition of possession of firearms and
7 firearm parts; search and seizure of firearms and firearm
8 parts.

9 (A) Subject to the provisions of subparagraph
10 (B-2), if applicable, a person who is subject to an
11 existing domestic violence order of protection issued
12 under this Code may not lawfully possess firearms or
13 firearm parts that could be assembled to make an
14 operable firearm or a Firearm Owner's Identification
15 Card under Section 8.2 of the Firearm Owners
16 Identification Card Act.

17 (B) Any firearms in the possession of the
18 respondent, except as provided in subparagraph (C) of
19 this paragraph (14.5) and subject to the provisions of
20 subparagraph (B-2), if applicable, shall be ordered by
21 the court to be surrendered to law enforcement for
22 safekeeping. Any firearms or firearm parts on the
23 respondent's person or at the place of service shall
24 be immediately surrendered to the serving officers at
25 the time of service of the order of protection, and any
26 other firearms or firearm parts shall be surrendered

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

15 (B-1) Upon request of the petitioner or the
16 State's Attorney on behalf of the petitioner, a law
17 enforcement officer may seek a search warrant based on
18 the allegations in the petition for the Order of
19 Protection.

20 (i) If requested by law enforcement, the court
21 shall issue a search warrant for the seizure of
22 any firearms or firearm parts that could be
23 assembled to make an operable firearm belonging to
24 the respondent at or after entry of an order of
25 protection if the court, based upon sworn
26 testimony and governed by Sections 108-3 and

1 108-4, finds probable cause exists that:

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

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

9 (cc) 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.

14 (ii) The search warrant shall specify with
15 particularity the scope of the search, including
16 the property to be searched, and shall direct the
17 law enforcement agency to seize the respondent's
18 firearms and firearm parts that could be assembled
19 to make an operable firearm. Law enforcement shall
20 also be directed to seize into their possession
21 any Firearm Owner's Identification Card and any
22 Concealed Carry License belonging to the
23 respondent.

24 (iii) The law enforcement agency to which the
25 court has directed the warrant shall execute the
26 warrant no later than 96 hours after issuance. The

1 law enforcement agency to which the court has
2 directed the warrant may coordinate with other law
3 enforcement agencies to execute the warrant. A
4 return of the warrant shall be filed by the law
5 enforcement agency within 24 hours of execution,
6 setting forth the time, date, and location where
7 the warrant was executed and what items, if any,
8 were seized. If the court is not in session, the
9 return information shall be returned on the next
10 date the court is in session. Subject to the
11 provisions of this Section, peace officers shall
12 have the same authority to execute a warrant
13 issued under this subsection as a warrant issued
14 under Article 108.

15 (iv) If the property to be searched is in
16 another county, the petitioner or the State's
17 Attorney may seek a search warrant in that county
18 with the law enforcement agency with primary
19 responsibility for responding to service calls at
20 the property to be searched. Regardless of whether
21 the petitioner is working with the State's
22 Attorney under subsection (d) of Section 112A-4.5,
23 the petitioner may request the State's Attorney's
24 assistance to request that the law enforcement
25 agency in the county where the property is located
26 seek a search warrant.

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

4 (B-2) Ex parte relief may be granted under this
5 paragraph (14.5) only if the court finds that personal
6 injury to the petitioner is likely to occur if the
7 respondent received prior notice and if the petitioner
8 has otherwise satisfied the requirements of Section
9 112A-17.5 of this Article.

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

19 (D) (i) Any firearms or firearm parts that could be
20 assembled to make an operable firearm that have been
21 seized or surrendered shall be kept by the law
22 enforcement agency that took possession of the items
23 for safekeeping, except as provided in subparagraph
24 (C), (E), or (F). The period of safekeeping shall be
25 for the duration of the order of protection. Except as
26 provided in subparagraph (F), 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 to notify the Illinois State Police Firearm
18 Owner's Identification Card Office at the end of the
19 Order of 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. Seized or
24 surrendered firearms or firearm parts shall be
25 returned within 14 days of the request to the
26 respondent, if the respondent is lawfully eligible to

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

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

1 petition, the court determines the person to be the
2 lawful owner of the firearm and firearm parts that
3 could be assembled to make an operable firearm, the
4 firearm and firearm parts that could be assembled to
5 make an operable firearm shall be returned to the
6 person, provided that:

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

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

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

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

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

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

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

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

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

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

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

26 (III) the third party transferee will not

1 transfer the firearm or firearm parts to the
2 respondent or anyone who resides with the
3 respondent;

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

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

12 (bb) the court finds that:

13 (I) the respondent holds a valid Firearm
14 Owner's Identification; and

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

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

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

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

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

18 (18) Telephone services.

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

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

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

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

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

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

1 following applies:

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

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

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

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

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

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

25 (E) Except for willful or wanton misconduct, a
26 wireless telephone service provider is immune from

1 civil liability for its actions taken in compliance
2 with a court order issued under this paragraph.

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

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

17 (19) Cease use and dissemination.

18 (A) Order the respondent to stop use and
19 dissemination of materials or statements to prevent
20 further abuse.

21 (B) Order the respondent to stop use of any and all
22 electronic tracking or monitoring.

23 (C) Require the respondent to produce sufficient
24 evidence that such compliance has occurred.

25 (20) Removal of harassing materials, tracking or
26 monitoring. Order the respondent to remove or delete and

1 take reasonable steps to remove or delete the harassing
2 statements or materials or delete the tracking and
3 monitoring information collected by the respondent and
4 produce sufficient evidence that such compliance has
5 occurred.

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 Section 10. The Illinois Domestic Violence Act of 1986 is
2 amended by changing Sections 103, 201, 212, 214, and 220 as
3 follows:

4 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

5 Sec. 103. Definitions. For the purposes of this Act, the
6 following terms shall have the following meanings:

7 (1) "Abuse" means physical abuse, harassment, intimidation
8 of a dependent, interference with personal liberty or willful
9 deprivation but does not include reasonable direction of a
10 minor child by a parent or person in loco parentis.

11 (2) "Adult with disabilities" means an elder adult with
12 disabilities or a high-risk adult with disabilities. A person
13 may be an adult with disabilities for purposes of this Act even
14 though he or she has never been adjudicated an incompetent
15 adult. However, no court proceeding may be initiated or
16 continued on behalf of an adult with disabilities over that
17 adult's objection, unless such proceeding is approved by his
18 or her legal guardian, if any.

19 (3) "Domestic violence" means abuse as defined in
20 paragraph (1).

21 (4) "Elder adult with disabilities" means an adult
22 prevented by advanced age from taking appropriate action to
23 protect himself or herself from abuse by a family or household
24 member.

1 (5) "Exploitation" means the illegal, including tortious,
2 use of a high-risk adult with disabilities or of the assets or
3 resources of a high-risk adult with disabilities. Exploitation
4 includes, but is not limited to, the misappropriation of
5 assets or resources of a high-risk adult with disabilities by
6 undue influence, by breach of a fiduciary relationship, by
7 fraud, deception, or extortion, or the use of such assets or
8 resources in a manner contrary to law.

9 (6) "Family or household members" include spouses, former
10 spouses, parents, children, stepchildren and other persons
11 related by blood or by present or prior marriage, persons who
12 share or formerly shared a common dwelling, persons who have
13 or allegedly have a child in common, persons who share or
14 allegedly share a blood relationship through a child, persons
15 who have or have had a dating or engagement relationship,
16 persons with disabilities and their personal assistants, and
17 caregivers as defined in Section 12-4.4a of the Criminal Code
18 of 2012. For purposes of this paragraph, neither a casual
19 acquaintanceship nor ordinary fraternization between 2
20 individuals in business or social contexts shall be deemed to
21 constitute a dating relationship. In the case of a high-risk
22 adult with disabilities, "family or household members"
23 includes any person who has the responsibility for a high-risk
24 adult as a result of a family relationship or who has assumed
25 responsibility for all or a portion of the care of a high-risk
26 adult with disabilities voluntarily, or by express or implied

1 contract, or by court order.

2 (7) "Harassment" means knowing conduct which is not
3 necessary to accomplish a purpose that is reasonable under the
4 circumstances; would cause a reasonable person emotional
5 distress; and does cause emotional distress to the petitioner.
6 Unless the presumption is rebutted by a preponderance of the
7 evidence, the following types of conduct shall be presumed to
8 cause emotional distress:

9 (i) creating a disturbance at petitioner's place of
10 employment or school;

11 (ii) contacting the petitioner directly or indirectly
12 through any means including but not limited to telephonic,
13 electronic, or online; ~~repeatedly telephoning petitioner's~~
14 ~~place of employment, home or residence;~~

15 (iii) repeatedly following the petitioner, including,
16 but not limited to, directly or indirectly through third
17 parties, or by using electronic tracking or monitoring, or
18 acquiring information, to determine the petitioner's
19 location, movement, or travel patterns without the
20 petitioner's knowledge or consent; ~~repeatedly following~~
21 ~~petitioner about in a public place or places;~~

22 (iv) repeatedly surveilling the petitioner or tracking
23 petitioner's location directly or indirectly including but
24 not limited to by remaining present at or outside the
25 petitioner's home, school, place of employment, vehicle,
26 or other place occupied by petitioner, by peering in

petitioner's windows, by using electronic tracking or
monitoring, or by acquiring information to determine the
petitioner's location, movement, or travel patterns
without the petitioner's knowledge and consent; ~~repeatedly~~
~~keeping petitioner under surveillance by remaining present~~
~~outside his or her home, school, place of employment,~~
~~vehicle or other place occupied by petitioner or by~~
~~peering in petitioner's windows;~~

(v) improperly concealing a minor child from
petitioner, repeatedly threatening to improperly remove a
minor child of petitioner's from the jurisdiction or from
the physical care of petitioner, repeatedly threatening to
conceal a minor child from petitioner, or making a single
such threat following an actual or attempted improper
removal or concealment, unless respondent was fleeing an
incident or pattern of domestic violence; ~~or~~

(vi) threatening physical force, confinement or
restraint on one or more occasions;~~or~~

(vii) non-consensual dissemination or threatening the
dissemination of electronically generated or digitally
altered content using the image, voice, or other
characteristic of the petitioner to falsely and
deceptively impersonate the petitioner or the petitioner's
representative;

(viii) non-consensual dissemination or threatening the
non-consensual dissemination of private sexual images and

1 digitally altered sexual images as defined in Section 5 of
2 the Civil Remedies for Nonconsensual Dissemination of
3 Private Sexual Images Act; or
4 (ix) engaging in doxing as defined in the Civil
5 Liability for Doxing Act.

6 (8) "High-risk adult with disabilities" means a person
7 aged 18 or over whose physical or mental disability impairs
8 his or her ability to seek or obtain protection from abuse,
9 neglect, or exploitation.

10 (9) "Interference with personal liberty" means committing
11 or threatening physical abuse, harassment, intimidation or
12 willful deprivation so as to compel another to engage in
13 conduct from which she or he has a right to abstain or to
14 refrain from conduct in which she or he has a right to engage.

15 (10) "Intimidation of a dependent" means subjecting a
16 person who is dependent because of age, health or disability
17 to participation in or the witnessing of: physical force
18 against another or physical confinement or restraint of
19 another which constitutes physical abuse as defined in this
20 Act, regardless of whether the abused person is a family or
21 household member.

22 (11) (A) "Neglect" means the failure to exercise that
23 degree of care toward a high-risk adult with disabilities
24 which a reasonable person would exercise under the
25 circumstances and includes but is not limited to:

26 (i) the failure to take reasonable steps to protect a

1 high-risk adult with disabilities from acts of abuse;

2 (ii) the repeated, careless imposition of unreasonable
3 confinement;

4 (iii) the failure to provide food, shelter, clothing,
5 and personal hygiene to a high-risk adult with
6 disabilities who requires such assistance;

7 (iv) the failure to provide medical and rehabilitative
8 care for the physical and mental health needs of a
9 high-risk adult with disabilities; or

10 (v) the failure to protect a high-risk adult with
11 disabilities from health and safety hazards.

12 (B) Nothing in this subsection (10) shall be construed to
13 impose a requirement that assistance be provided to a
14 high-risk adult with disabilities over his or her objection in
15 the absence of a court order, nor to create any new affirmative
16 duty to provide support to a high-risk adult with
17 disabilities.

18 (12) "Order of protection" means an emergency order,
19 interim order or plenary order, granted pursuant to this Act,
20 which includes any or all of the remedies authorized by
21 Section 214 of this Act.

22 (13) "Petitioner" may mean not only any named petitioner
23 for the order of protection and any named victim of abuse on
24 whose behalf the petition is brought, but also any other
25 person protected by this Act.

26 (14) "Physical abuse" includes sexual abuse and means any

1 of the following:

2 (i) knowing or reckless use of physical force,
3 confinement or restraint;

4 (ii) knowing, repeated and unnecessary sleep
5 deprivation; or

6 (iii) knowing or reckless conduct which creates an
7 immediate risk of physical harm.

8 (14.5) "Stay away" means for the respondent to refrain
9 from both physical presence and nonphysical contact with the
10 petitioner whether direct, indirect (including, but not
11 limited to, telephone calls, mail, email, faxes, and written
12 notes), or through third parties who may or may not know about
13 the order of protection.

14 (15) "Willful deprivation" means wilfully denying a person
15 who because of age, health or disability requires medication,
16 medical care, shelter, accessible shelter or services, food,
17 therapeutic device, or other physical assistance, and thereby
18 exposing that person to the risk of physical, mental or
19 emotional harm, except with regard to medical care or
20 treatment when the dependent person has expressed an intent to
21 forgo such medical care or treatment. This paragraph does not
22 create any new affirmative duty to provide support to
23 dependent persons.

24 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

25 (750 ILCS 60/201) (from Ch. 40, par. 2312-1)

1 Sec. 201. Persons protected by this Act.

2 (a) The following persons are protected by this Act:

3 (i) any person abused by a family or household member;

4 (ii) any high-risk adult with disabilities who is
5 abused, neglected, or exploited by a family or household
6 member;

7 (iii) any minor child or dependent adult in the care
8 of such person;

9 (iv) any person residing or employed at a private home
10 or public shelter which is housing an abused family or
11 household member; and

12 (v) any of the following persons if the person is
13 abused by a family or household member of a child:

14 (A) a foster parent of that child if the child has
15 been placed in the foster parent's home by the
16 Department of Children and Family Services or by
17 another state's public child welfare agency;

18 (B) a legally appointed guardian or legally
19 appointed custodian of that child;

20 (C) an adoptive parent of that child; or

21 (D) a prospective adoptive parent of that child if
22 the child has been placed in the prospective adoptive
23 parent's home pursuant to the Adoption Act or pursuant
24 to another state's law.

25 For purposes of this paragraph (a) (v), individuals who
26 would have been considered "family or household members"

1 of the child under subsection (6) of Section 103 of this
2 Act before a termination of the parental rights with
3 respect to the child continue to meet the definition of
4 "family or household members" of the child.

5 (b) A petition for an order of protection may be filed
6 only:

7 (i) by a person who has been abused by a family or
8 household member or by any person on behalf of a minor
9 child or an adult who has been abused by a family or
10 household member and who, because of age, health,
11 disability, or inaccessibility, cannot file the petition;

12 (ii) by any person on behalf of a high-risk adult with
13 disabilities who has been abused, neglected, or exploited
14 by a family or household member;

15 (iii) by any of the following persons if the person is
16 abused by a family or household member of a child:

17 (A) a foster parent of that child if the child has
18 been placed in the foster parent's home by the
19 Department of Children and Family Services or by
20 another state's public child welfare agency;

21 (B) a legally appointed guardian or legally
22 appointed custodian of that child;

23 (C) an adoptive parent of that child;

24 (D) a prospective adoptive parent of that child if
25 the child has been placed in the prospective adoptive
26 parent's home pursuant to the Adoption Act or pursuant

1 to another state's law.

2 For purposes of this paragraph (b)(iii), individuals
3 who would have been considered "family or household
4 members" of the child under subsection (6) of Section 103
5 of this Act before a termination of the parental rights
6 with respect to the child continue to meet the definition
7 of "family or household members" of the child;

8 (iv) by a crime victim who was abused by a family or
9 household member ~~an offender~~ prior to the incarceration of
10 the offender in a penal institution and such offender is
11 incarcerated in a penal institution at the time of the
12 filing of the petition; or

13 (v) by any person who has previously suffered abuse by
14 a family or household member ~~person~~ convicted of (1)
15 domestic battery, aggravated domestic battery, aggravated
16 battery, or any other offense that would constitute
17 domestic violence or (2) a violent crime, as defined in
18 Section 3 of the Rights of Crime Victims and Witnesses
19 Act, committed against another person.

20 A petition for an order of protection may not be denied
21 solely upon the basis that the respondent or petitioner is
22 incarcerated in a penal institution at the time of the filing
23 of the petition.

24 (c) Any petition properly filed under this Act may seek
25 protection for any additional persons protected by this Act.

26 (Source: P.A. 104-11, eff. 6-20-25.)

1 (750 ILCS 60/212) (from Ch. 40, par. 2312-12)

2 Sec. 212. Hearings.

3 (a) A petition for an order of protection shall be treated
4 as an expedited proceeding, and no court shall transfer or
5 otherwise decline to decide all or part of such petition
6 except as otherwise provided herein. Nothing in this Section
7 shall prevent the court from reserving issues when
8 jurisdiction or notice requirements are not met.

9 (b) Any court or a division thereof which ordinarily does
10 not decide matters of child custody and family support may
11 decline to decide contested issues of physical care, custody,
12 visitation, or family support unless a decision on one or more
13 of those contested issues is necessary to avoid the risk of
14 abuse, neglect, removal from the State or concealment within
15 the State of the child or of separation of the child from the
16 primary caretaker. If the court or division thereof has
17 declined to decide any or all of these issues, then it shall
18 transfer all undecided issues to the appropriate court or
19 division. In the event of such a transfer, a government
20 attorney involved in the criminal prosecution may, but need
21 not, continue to offer counsel to the petitioner on
22 transferred matters.

23 (c) If the court transfers or otherwise declines to decide
24 any issue, judgment on that issue shall be expressly reserved
25 and ruling on other issues shall not be delayed or declined.

1 (d) A court ~~in a county with a population above 250,000~~
2 shall offer the option of a remote hearing to a petitioner for
3 an order of protection. The court shall grant a request for a
4 remote hearing unless good cause is shown for denial ~~has the~~
5 ~~discretion to grant or deny the request for a remote hearing.~~
6 Each court shall determine the procedure for a remote hearing.
7 The petitioner, applicable witness or witnesses and respondent
8 may appear remotely or in person.

9 The court shall issue and publish a court order, standing
10 order, or local rule detailing information about the process
11 for requesting and participating in a remote court appearance.
12 The court order, standing order, or local rule shall be
13 published on the court's website and posted on signs
14 throughout the courthouse, including in the clerk's office.
15 The sign shall be written in plain language and include
16 information about the availability of remote court appearances
17 and the process for requesting a remote hearing.

18 (Source: P.A. 102-853, eff. 1-1-23; 103-154, eff. 6-30-23.)

19 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

20 Sec. 214. Order of protection; remedies.

21 (a) Issuance of order. If the court finds that petitioner
22 has been abused by a family or household member or that
23 petitioner is a high-risk adult who has been abused,
24 neglected, or exploited, as defined in this Act, an order of
25 protection prohibiting the abuse, neglect, or exploitation

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

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

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

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

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

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

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

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

21 (3) Stay away order and additional prohibitions. Order
22 respondent to stay away from petitioner or any other
23 person protected by the order of protection, or prohibit
24 respondent from entering or remaining present at
25 petitioner's school, place of employment, or other
26 specified places at times when petitioner is present, or

1 both, if reasonable, given the balance of hardships.
2 Hardships need not be balanced for the court to enter a
3 stay away order or prohibit entry if respondent has no
4 right to enter the premises.

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

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

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

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

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

26 (4) Counseling. Require or recommend the respondent to

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

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

22 If a court finds, after a hearing, that respondent has
23 committed abuse (as defined in Section 103) of a minor
24 child, there shall be a rebuttable presumption that
25 awarding physical care to respondent would not be in the
26 minor child's best interest.

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

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

14 (7) Parenting time. Determine the parenting time, if
15 any, of respondent in any case in which the court awards
16 physical care or allocates temporary significant
17 decision-making responsibility of a minor child to
18 petitioner. The court shall restrict or deny respondent's
19 parenting time with a minor child if the court finds that
20 respondent has done or is likely to do any of the
21 following: (i) abuse or endanger the minor child during
22 parenting time; (ii) use the parenting time as an
23 opportunity to abuse or harass petitioner or petitioner's
24 family or household members; (iii) improperly conceal or
25 detain the minor child; or (iv) otherwise act in a manner
26 that is not in the best interests of the minor child. The

1 court shall not be limited by the standards set forth in
2 Section 603.10 of the Illinois Marriage and Dissolution of
3 Marriage Act. If the court grants parenting time, the
4 order shall specify dates and times for the parenting time
5 to take place or other specific parameters or conditions
6 that are appropriate. No order for parenting time shall
7 refer merely to the term "reasonable parenting time".

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

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

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

26 (9) Order to appear. Order the respondent to appear in

1 court, alone or with a minor child, to prevent abuse,
2 neglect, removal or concealment of the child, to return
3 the child to the custody or care of the petitioner or to
4 permit any court-ordered interview or examination of the
5 child or the respondent.

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

10 (i) petitioner, but not respondent, owns the
11 property; or

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

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

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

25 (11) Protection of property. Forbid the respondent
26 from taking, transferring, encumbering, concealing,

1 damaging or otherwise disposing of any real or personal
2 property, except as explicitly authorized by the court,
3 if:

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

6 (ii) the parties own the property jointly, and the
7 balance of hardships favors 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 the petitioner's
16 significant decision-making authority, unless otherwise
17 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, neglect, or exploitation. Such losses shall
21 include, but not be limited to, medical expenses, lost
22 earnings or other support, repair or replacement of
23 property damaged or taken, reasonable attorney's fees,
24 court costs and moving or other travel expenses, including
25 additional reasonable expenses for temporary shelter and
26 restaurant meals.

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

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

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

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

25 (A) (i) Prohibit a respondent against whom an
26 emergency, interim, or plenary order of protection was

1 issued from possessing, during the duration of the
2 order, any firearms or firearm parts that could be
3 assembled into an operable firearm if a search warrant
4 is issued under (A-1) or the order:

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

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

17 (cc) includes a finding that such person
18 represents a credible threat to the physical
19 safety of such intimate partner or child.

20 (ii) The court shall order any respondent
21 prohibited from possessing firearms under item (i) of
22 subparagraph (A) to surrender any firearms or firearm
23 parts that could be assembled to make an operable
24 firearm. Any firearms or firearm parts on the
25 respondent's person or at the place of service shall
26 be surrendered to the serving officers at the time of

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

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

25 (aa) the respondent poses a credible threat to
26 the physical safety of the petitioner protected by

1 the order of protection; and

2 (bb) probable cause exists to believe that:

3 (I) the respondent possesses firearms or
4 firearm parts that could be assembled to make
5 an operable firearm;

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

11 (III) the credible threat to the physical
12 safety of the petitioner protected by the
13 order of protection is immediate and present.

14 The record shall reflect the court's findings in
15 determining whether the search warrant shall be
16 issued.

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

22 (iii) An ex parte search warrant shall be granted
23 under this subparagraph (A-1) only if the court finds
24 that:

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

1 (bb) personal injury to the petitioner is
2 likely to occur if the respondent received prior
3 notice; and

4 (cc) the petitioner has otherwise satisfied
5 the requirements of Section 217 of this Act.

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

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

23 (vi) The petitioner shall prepare an information
24 sheet, reviewed by the court, for law enforcement at
25 the time the warrant is granted. The information sheet
26 shall include:

1 (aa) contact information for the petitioner,
2 the petitioner's attorney, or both, including a
3 telephone number and email, if available;

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

8 (cc) days and times that the respondent is
9 likely to be at the property to be searched, if
10 known; and

11 (dd) whether people other than the respondent
12 are likely to be present at the property to be
13 searched and when, if known.

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

18 (viii) If the court, after determining a search
19 warrant should issue, finds that the petitioner has
20 made a credible report of domestic violence to the
21 local law enforcement agency within the previous 90
22 days, law enforcement shall execute the warrant no
23 later than 96 hours after receipt of the warrant. If
24 the court finds that petitioner has not made such a
25 report, the law enforcement agency to which the court
26 has directed the warrant shall, within 48 hours of

1 receipt, evaluate the warrant and seek any corrections
2 to the warrant, and, if applicable, add to or negate
3 the warrant. The record shall reflect the court's
4 findings in determining whether to correct, add, or
5 negate the warrant. If a change is made regarding the
6 search warrant, law enforcement shall execute the
7 warrant no later than 96 hours after the correction is
8 issued. The law enforcement agency shall notify the
9 petitioner of any changes to the warrant or if the
10 warrant has been negated. The law enforcement agency
11 to which the court has directed the warrant may
12 coordinate with other law enforcement agencies to
13 execute the warrant. A return of the warrant shall be
14 filed by the law enforcement agency within 24 hours of
15 execution, setting forth the time, date, and location
16 where the warrant was executed and what items, if any,
17 were seized. If the court is not in session, the return
18 information shall be returned on the next date the
19 court is in session. Subject to the provisions of this
20 Section, peace officers shall have the same authority
21 to execute a warrant issued pursuant to this
22 subsection as a warrant issued under Article 108 of
23 the Code of Criminal Procedure of 1963.

24 (ix) Upon discovering a defect in the search
25 warrant, the appropriate law enforcement agency may
26 petition the court to correct the warrant. The law

1 enforcement agency shall notify the petitioner of any
2 such correction.

3 (x) Upon petition by the appropriate law
4 enforcement agency, the court may modify the search
5 warrant or extend the time to execute the search
6 warrant for a period of no more than 96 hours. In
7 determining whether to modify or extend the warrant,
8 the court shall consider:

9 (aa) any increased risk to the petitioner's
10 safety that may result from a modification or
11 extension of the warrant;

12 (bb) any unnecessary risk to law enforcement
13 that would be mitigated by a modification or
14 extension of the warrant;

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

18 (dd) the likelihood of successful execution of
19 warrant.

20 The record shall reflect the court's findings in
21 determining whether to extend or modify the warrant.
22 The law enforcement agency shall notify the petitioner
23 of any modification or extension of the warrant.

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

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

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

1 firearm dealers or other law enforcement agencies for
2 the storage of any firearms seized or surrendered
3 under this subsection.

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

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

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

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

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

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

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

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

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

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

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

1 (E) (i) The respondent may file a motion to
2 transfer, at the next scheduled hearing, any seized or
3 surrendered firearms or firearm parts to a third
4 party. Notice of the motion shall be provided to the
5 petitioner and the third party must appear at the
6 hearing.

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

9 (aa) the third party transferee affirms by
10 affidavit to the open court that:

11 (I) the third party transferee does not
12 reside with the respondent;

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

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

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

25 (V) the third party transferee will be
26 subject to criminal penalties for transferring

1 the firearms or firearm parts to the
2 respondent; and

3 (bb) the court finds that:

4 (I) the respondent holds a valid Firearm
5 Owner's Identification; and

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

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

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

26 (17) Order for injunctive relief. Enter injunctive

1 relief necessary or appropriate to prevent further abuse
2 of a family or household member or further abuse, neglect,
3 or exploitation of a high-risk adult with disabilities or
4 to effectuate one of the granted remedies, if supported by
5 the balance of hardships. If the harm to be prevented by
6 the injunction is abuse or any other harm that one of the
7 remedies listed in paragraphs (1) through (16) of this
8 subsection is designed to prevent, no further evidence is
9 necessary that the harm is an irreparable injury.

10 (18) Telephone services.

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

1 provided to the Illinois Commerce Commission. The
2 order shall contain all of the following:

3 (i) The name and billing telephone number of
4 the account holder including the name of the
5 wireless telephone service provider that serves
6 the account.

7 (ii) Each telephone number that will be
8 transferred.

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

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

20 (i) The account holder named in the order has
21 terminated the account.

22 (ii) A difference in network technology would
23 prevent or impair the functionality of a device on
24 a network if the transfer occurs.

25 (iii) The transfer would cause a geographic or
26 other limitation on network or service provision

1 to the petitioner.

2 (iv) Another technological or operational
3 issue would prevent or impair the use of the
4 telephone number if the transfer occurs.

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

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

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

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

1 Commission within 30 days of such change.

2 (G) The Illinois Commerce Commission shall
3 maintain the list of registered agents for service for
4 each wireless telephone service provider on the
5 Commission's website. The Commission may consult with
6 wireless telephone service providers and the Circuit
7 Court Clerks on the manner in which this information
8 is provided and displayed.

9 (19) Cease use and dissemination.

10 (A) Order the respondent to stop use and
11 dissemination of materials or statements to prevent
12 further abuse.

13 (B) Order the respondent to stop use of any and all
14 electronic tracking or monitoring.

15 (C) Require the respondent to produce sufficient
16 evidence that such compliance has occurred.

17 (20) Removal of harassing materials, tracking, or
18 monitoring. Order respondent to remove or delete and take
19 reasonable steps to remove or delete the harassing
20 statements or materials or delete the tracking and
21 monitoring information collected by the respondent and
22 produce sufficient evidence that such compliance has
23 occurred.

24 (c) Relevant factors; findings.

25 (1) In determining whether to grant a specific remedy,
26 other than payment of support, the court shall consider

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 examination of petitioner that the averments are
2 sufficient to indicate abuse by respondent and to support
3 the granting of relief under the issuance of the emergency
4 order of protection.

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

1 including parenting time with the minor child, or physical
2 care and possession of the minor child, nor shall an order
3 of payment for support of the minor child be entered.

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

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

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

18 (2) Respondent was voluntarily intoxicated;

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

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

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

1 respondent;

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

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

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

11 (750 ILCS 60/220) (from Ch. 40, par. 2312-20)

12 Sec. 220. Duration and extension of orders.

13 (a) Duration of emergency and interim orders. Unless
14 re-opened or extended or voided by entry of an order of greater
15 duration:

16 (1) Emergency orders issued under Section 217 shall be
17 effective for not less than 14 nor more than 21 days;

18 (2) Interim orders shall be effective for up to 30
19 days.

20 (b) Duration of plenary orders.

21 (0.05) A plenary order of protection entered under
22 this Act shall be valid for a fixed period of time, not to
23 exceed two years.

24 (1) A plenary order of protection entered in
25 conjunction with another civil proceeding shall remain in

1 effect as follows:

2 (i) if entered as preliminary relief in that other
3 proceeding, until entry of final judgment in that
4 other proceeding;

5 (ii) if incorporated into the final judgment in
6 that other proceeding, until the order of protection
7 is vacated or modified; or

8 (iii) if incorporated in an order for involuntary
9 commitment, until termination of both the involuntary
10 commitment and any voluntary commitment, or for a
11 fixed period of time not exceeding 2 years.

12 (2) Duration of an order of protection entered in
13 conjunction with a criminal prosecution or delinquency
14 petition shall remain in effect as provided in Section
15 112A-20 of the Code of Criminal Procedure of 1963.

16 (c) Computation of time. The duration of an order of
17 protection shall not be reduced by the duration of any prior
18 order of protection.

19 (d) Law enforcement records. When a plenary order of
20 protection expires upon the occurrence of a specified event,
21 rather than upon a specified date as provided in subsection
22 (b), no expiration date shall be entered in Illinois State
23 Police records. To remove the plenary order from those
24 records, either party shall request the clerk of the court to
25 file a certified copy of an order stating that the specified
26 event has occurred or that the plenary order has been vacated

1 or modified with the Sheriff, and the Sheriff shall direct
2 that law enforcement records shall be promptly corrected in
3 accordance with the filed order.

4 (e) Extension of orders.

5 (1) Emergency and Interim orders. Any emergency
6 interim ~~or plenary~~ order may be extended one or more
7 times, as required, provided that the requirements of
8 Section 217, 218 or 219, as appropriate, are satisfied. A
9 violation of the original order or a subsequent incident
10 of abuse is not required to grant an extension of the
11 order.

12 (2) Plenary orders.

13 (A) The court shall grant the petitioner's motion
14 to extend a plenary order of protection if the
15 requirements of Section 219 have been satisfied and
16 there has been no material change in the relevant
17 circumstances. The court shall not deny a motion to
18 extend solely because there is no violation of the
19 original order nor a subsequent incident of abuse.

20 (B) An extension of a plenary order may be granted
21 for any fixed period of time or until the order is
22 vacated or modified. If the petitioner seeks an
23 extension longer than 2 years, the court may grant
24 such request if it finds that there is good cause to
25 extend the order for longer than 2 years.

26 (C) If respondent does not contest the motion to

1 extend a plenary order of protection, after service of
2 the motion in accordance with Supreme Court Rules 11,
3 12, and 105, the court may grant the request for an
4 extension based solely on the petitioner's motion and
5 affidavit setting forth the requirements of this
6 paragraph (2).

7 (D) If the plenary order is set to expire before
8 the next available court date, then the court date for
9 extension must be expedited. The court may extend the
10 order on an emergency basis pending a hearing on the
11 request. If a plenary order expires prior to a hearing
12 on the motion, the court may reinstate and extend the
13 order upon hearing.

14 ~~If the motion for extension is uncontested and petitioner~~
15 ~~seeks no modification of the order, the order may be extended~~
16 ~~on the basis of petitioner's motion or affidavit stating that~~
17 ~~there has been no material change in relevant circumstances~~
18 ~~since entry of the order and stating the reason for the~~
19 ~~requested extension. An extension of a plenary order of~~
20 ~~protection may be granted, upon good cause shown, to remain in~~
21 ~~effect until the order of protection is vacated or modified.~~

22 (3) Extensions under this subsection (e) may be granted
23 only in open court and not under the provisions of subsection
24 (c) of Section 217, which applies only when the court is
25 unavailable at the close of business or on a court holiday.

26 (f) Termination date. Any order of protection which would

1 expire on a court holiday shall instead expire at the close of
2 the next court business day.

3 (g) Statement of purpose. The practice of dismissing or
4 suspending a criminal prosecution in exchange for the issuance
5 of an order of protection undermines the purposes of this Act.
6 This Section shall not be construed as encouraging that
7 practice.

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