



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4469

Introduced 1/17/2024, by Rep. Maura Hirschauer

SYNOPSIS AS INTRODUCED:

430 ILCS 67/5

725 ILCS 5/112A-14

750 ILCS 60/214

from Ch. 38, par. 112A-14

from Ch. 40, par. 2312-14

Amends the Firearms Restraining Order Act to include in the definition of "petitioner" an intimate partner. Amends the Protective Orders Article of the Code of Criminal Procedures of 1963 and the Illinois Domestic Violence Act of 1986. Provides that, if the petitioner seeks a court order prohibiting the respondent from possessing firearms, firearm ammunition, and firearm parts that could be assembled to make an operable firearm, the court shall immediately issue a search warrant directing seizure of firearms at the time an ex parte or final order of protection is issued, if the court finds, based upon sworn testimony, that: (1) probable cause exists that the respondent possesses firearms, ammunition, or firearm parts that could be assembled to make an operable firearm; (2) probable cause exists to believe that the respondent poses a danger of causing personal injury to the petitioner or child and that the danger is imminent and present; and (3) probable cause exists that firearms, ammunition, or firearm parts that could be assembled to make an operable firearm are located at the residence, vehicle, or other property of the respondent. Provides that a finding of probable cause for a warrant upon oral testimony may be based on the same kind of evidence as is sufficient for a warrant upon affidavit. Effective immediately.

LRB103 35232 RLC 65322 b

1 AN ACT concerning firearms.

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

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

6 (430 ILCS 67/5)

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

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

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

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

23 "Petitioner" means:

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

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

11 (3) an intimate partner.

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

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

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

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

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

1 (a) (Blank).

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

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

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

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

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

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

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

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

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

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

1 party or law enforcement officer.

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

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

1 transfer or change.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 concurrent with the execution of such warrant for
2 search and seizure.

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

11 (B-4) The finding of probable cause for a warrant
12 upon oral testimony may be based on the same kind of
13 evidence as is sufficient for a warrant upon
14 affidavit.

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

24 (D) Upon expiration of the period of safekeeping,
25 if the firearms or Firearm Owner's Identification Card
26 cannot be returned to respondent because respondent

1 cannot be located, fails to respond to requests to
2 retrieve the firearms, or is not lawfully eligible to
3 possess a firearm, upon petition from the local law
4 enforcement agency, the court may order the local law
5 enforcement agency to destroy the firearms, use the
6 firearms for training purposes, or for any other
7 application as deemed appropriate by the local law
8 enforcement agency; or that the firearms be turned
9 over to a third party who is lawfully eligible to
10 possess firearms, and who does not reside with
11 respondent.

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

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

1 (17) Order for injunctive relief. Enter injunctive
2 relief necessary or appropriate to prevent further abuse
3 of a family or household member or to effectuate one of the
4 granted remedies, if supported by the balance of
5 hardships. If the harm to be prevented by the injunction
6 is abuse or any other harm that one of the remedies listed
7 in paragraphs (1) through (16) of this subsection is
8 designed to prevent, no further evidence is necessary to
9 establish 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. In
19 this paragraph (18), the term "wireless telephone
20 service provider" means a provider of commercial
21 mobile service as defined in 47 U.S.C. 332. The
22 petitioner may request the transfer of each telephone
23 number that the petitioner, or a minor child in his or
24 her custody, uses. The clerk of the court shall serve
25 the order on the wireless telephone service provider's
26 agent for service of process provided to the Illinois

1 Commerce Commission. The order shall contain all of
2 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 (c) Relevant factors; findings.

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

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

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

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

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

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

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

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

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

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

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

26 (4) (Blank).

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

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

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

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

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

13 (2) respondent was voluntarily intoxicated;

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

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

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

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

24 (7) conduct by any family or household member excused
25 the abuse by respondent, unless that same conduct would
26 have excused such abuse if the parties had not been family

1 or household members.

2 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
3 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

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

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

7 Sec. 214. Order of protection; remedies.

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

23 (b) Remedies and standards. The remedies to be included in
24 an order of protection shall be determined in accordance with

1 this Section and one of the following Sections, as
2 appropriate: Section 217 on emergency orders, Section 218 on
3 interim orders, and Section 219 on plenary orders. The
4 remedies listed in this subsection shall be in addition to
5 other civil or criminal remedies available to petitioner.

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

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

25 (A) Right to occupancy. A party has a right to
26 occupancy of a residence or household if it is solely

1 or jointly owned or leased by that party, that party's
2 spouse, a person with a legal duty to support that
3 party or a minor child in that party's care, or by any
4 person or entity other than the opposing party that
5 authorizes that party's occupancy (e.g., a domestic
6 violence shelter). Standards set forth in subparagraph
7 (B) shall not preclude equitable relief.

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

24 The balance of hardships is presumed to favor
25 possession by petitioner unless the presumption is
26 rebutted by a preponderance of the evidence, showing

1 that the hardships to respondent substantially
2 outweigh the hardships to petitioner and any minor
3 child or dependent adult in petitioner's care. The
4 court, on the request of petitioner or on its own
5 motion, may order respondent to provide suitable,
6 accessible, alternate housing for petitioner instead
7 of excluding respondent from a mutual residence or
8 household.

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

19 (A) If an order of protection grants petitioner
20 exclusive possession of the residence, or prohibits
21 respondent from entering the residence, or orders
22 respondent to stay away from petitioner or other
23 protected persons, then the court may allow respondent
24 access to the residence to remove items of clothing
25 and personal adornment used exclusively by respondent,
26 medications, and other items as the court directs. The

1 right to access shall be exercised on only one
2 occasion as the court directs and in the presence of an
3 agreed-upon adult third party or law enforcement
4 officer.

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

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

1 the respondent's program, the parents, guardian, or
2 legal custodian of the respondent is responsible for
3 transportation and other costs associated with the
4 transfer or change.

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

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

26 (5) Physical care and possession of the minor child.

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

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

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

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 temporary significant decision-making
26 responsibility to respondent would not be in the child's

1 best interest.

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

22 Petitioner may deny respondent access to the minor
23 child if, when respondent arrives for parenting time,
24 respondent is under the influence of drugs or alcohol and
25 constitutes a threat to the safety and well-being of
26 petitioner or petitioner's minor children or is behaving

1 in a violent or abusive manner.

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

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

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

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

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

26 (ii) the parties own the property jointly; sharing

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

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

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

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

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

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

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

1 now or hereafter amended.

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

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

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

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

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

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

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

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

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

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

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

21 (a-1)(1) Upon the issuance of an emergency,
22 interim, or final order of protection, the court shall
23 issue a warrant for search and seizure of firearms,
24 ammunition, or firearm parts that could be assembled
25 to make an operable firearm if the court, based upon
26 sworn testimony, finds:

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

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

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

23 (2) A warrant for search and seizure issued under
24 subparagraph (a-1) shall specify with particularity
25 the scope of the search, including the property to be
26 searched, and shall direct the relevant law

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

1 kind of evidence as is sufficient for a warrant upon
2 affidavit.

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

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

14 ~~(2) restrains such person from harassing,~~
15 ~~stalking, or threatening an intimate partner of~~
16 ~~such person or child of such intimate partner or~~
17 ~~person, or engaging in other conduct that would~~
18 ~~place an intimate partner in reasonable fear of~~
19 ~~bodily injury to the partner or child; and~~

20 ~~(3) (i) includes a finding that such person~~
21 ~~represents a credible threat to the physical~~
22 ~~safety of such intimate partner or child; or (ii)~~
23 ~~by its terms explicitly prohibits the use,~~
24 ~~attempted use, or threatened use of physical force~~
25 ~~against such intimate partner or child that would~~
26 ~~reasonably be expected to cause bodily injury.~~

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

11 (i) was issued after a hearing of which such
12 person received actual notice, and at which such
13 person had an opportunity to participate, or
14 petitioner has satisfied the requirements of
15 Section 217;

16 (ii) restrains such person from harassing,
17 stalking, or threatening the petitioner or child,
18 or engaging in other conduct that would place the
19 petitioner in reasonable fear of bodily injury to
20 the petitioner or a child; and

21 (iii) (A) includes a finding that such person
22 represents a credible threat to the physical
23 safety of the petitioner or a child; or

24 (B) by its terms explicitly prohibits the use,
25 attempted use, or threatened use of physical force
26 against such petitioner or the child that would

1 reasonably be expected to cause bodily injury.

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

18 (a-4) If relief is granted under this subsection,
19 any Firearm Owner's Identification Card in the
20 possession of the respondent, except as provided in
21 subsection (b), shall be ordered by the court to be
22 turned over to the local law enforcement agency. The
23 local law enforcement agency shall immediately mail
24 the card to the Illinois State Police Firearm Owner's
25 Identification Card Office for safekeeping.

26 (a-5) Any Firearm Owner's Identification Card in the

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

19 (b) If the respondent is a peace officer as
20 defined in Section 2-13 of the Criminal Code of 2012,
21 the court shall order that any firearms used by the
22 respondent in the performance of his or her duties as a
23 peace officer be surrendered to the chief law
24 enforcement executive of the agency in which the
25 respondent is employed, who shall retain the firearms
26 for safekeeping for the duration of the order of

1 protection.

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

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

26 (16) Order for payment of shelter services. Order

1 respondent to reimburse a shelter providing temporary
2 housing and counseling services to the petitioner for the
3 cost of the services, as certified by the shelter and
4 deemed reasonable by the court.

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

15 (18) Telephone services.

16 (A) Unless a condition described in subparagraph
17 (B) of this paragraph exists, the court may, upon
18 request by the petitioner, order a wireless telephone
19 service provider to transfer to the petitioner the
20 right to continue to use a telephone number or numbers
21 indicated by the petitioner and the financial
22 responsibility associated with the number or numbers,
23 as set forth in subparagraph (C) of this paragraph.
24 For purposes of this paragraph (18), the term
25 "wireless telephone service provider" means a provider
26 of commercial mobile service as defined in 47 U.S.C.

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

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

12 (ii) Each telephone number that will be
13 transferred.

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

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

25 (i) The account holder named in the order has
26 terminated the account.

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

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

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

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

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

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

26 (F) All wireless service providers that provide

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

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

14 (c) Relevant factors; findings.

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

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

1 and

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

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

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

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

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

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

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

26 (ii) Whether the conduct or actions of respondent,

1 unless prohibited, will likely cause irreparable harm
2 or continued abuse.

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

6 (4) For purposes of issuing an ex parte emergency
7 order of protection, the court, as an alternative to or as
8 a supplement to making the findings described in
9 paragraphs (c)(3)(i) through (c)(3)(iii) of this
10 subsection, may use the following procedure:

11 When a verified petition for an emergency order of
12 protection in accordance with the requirements of Sections
13 203 and 217 is presented to the court, the court shall
14 examine petitioner on oath or affirmation. An emergency
15 order of protection shall be issued by the court if it
16 appears from the contents of the petition and the
17 examination of petitioner that the averments are
18 sufficient to indicate abuse by respondent and to support
19 the granting of relief under the issuance of the emergency
20 order of protection.

21 (5) Never married parties. No rights or
22 responsibilities for a minor child born outside of
23 marriage attach to a putative father until a father and
24 child relationship has been established under the Illinois
25 Parentage Act of 1984, the Illinois Parentage Act of 2015,
26 the Illinois Public Aid Code, Section 12 of the Vital

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

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

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

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

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

8 (2) Respondent was voluntarily intoxicated;

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

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

15 (5) Petitioner left the residence or household to
16 avoid further abuse, neglect, or exploitation by
17 respondent;

18 (6) Petitioner did not leave the residence or
19 household to avoid further abuse, neglect, or exploitation
20 by respondent;

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

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.