



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### SB1390

Introduced 2/6/2023, by Sen. Ann Gillespie

#### SYNOPSIS AS INTRODUCED:

725 ILCS 5/112A-14	from Ch. 38, par. 112A-14
750 ILCS 60/214	from Ch. 40, par. 2312-14
750 ILCS 60/217	from Ch. 40, par. 2312-17
750 ILCS 60/223	from Ch. 40, par. 2312-23

Amends the Domestic Violence Act of 1986. Provides that if the respondent to an order of protection is required to surrender any firearms, the order of protection shall also include an order to surrender firearms. Requires the respondent to surrender any firearms under an order to surrender on the day the respondent is served with the order of protection. Removes the requirement that a prohibition on the possession of firearms be issued only after a hearing of which the respondent received actual notice, and at which the person had an opportunity to participate. Requires the law enforcement agency receiving any surrendered firearms to provide a statement of receipt of any firearm to the respondent and the court. Provides that the failure to surrender any firearm within 24 hours to the individual or law enforcement agency under an order to surrender firearms shall constitute contempt of court for the violation of the terms of the order of protection. Requires the Supreme Court to adopt a form for an order to surrender firearms and update any existing forms for an order of protection to reflect the changes made by the amendatory Act. Provides that if any Firearm Owner's Identification Card of the respondent is surrendered, the period of surrender shall be for the duration of the order of protection. Makes corresponding changes in the Code of Criminal Procedure of 1963. Effective immediately.

LRB103 26412 LNS 52775 b

1 AN ACT concerning domestic violence.

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

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

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

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

9 (a) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (14.5) Prohibition of firearm possession.

22 (A) A person who is subject to an existing  
23 domestic violence order of protection issued under  
24 this Code may not lawfully possess weapons or a  
25 Firearm Owner's Identification Card under Section 8.2  
26 of the Firearm Owners Identification Card Act and is

1 subject to the requirements of subsection (a-1) of  
2 Section 214 of the Domestic Violence Act of 1986 and  
3 paragraph (14.5) or (14.6) of subsection (b) of  
4 Section 214 of the Domestic Violence Act of 1986, as  
5 applicable.

6 (B) Any firearms in the possession of the  
7 respondent, except as provided in subparagraph (C) of  
8 this paragraph (14.5), shall be ordered by the court  
9 to be turned over to a person with a valid Firearm  
10 Owner's Identification Card for surrender for the  
11 duration of the domestic violence order of protection  
12 ~~safekeeping.~~

13 The court shall issue an order that the respondent  
14 comply with Section 9.5 of the Firearm Owners  
15 Identification Card Act.

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

25 (D) Upon expiration of the period of surrender  
26 ~~safekeeping~~, if the firearms or Firearm Owner's

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

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

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



1 deemed reasonable by the court.

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

11 (18) Telephone services.

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

1 agent for service of process provided to the Illinois  
2 Commerce Commission. The order shall contain all of  
3 the following:

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

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

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

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

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

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

26 (iii) The transfer would cause a geographic or

1 other limitation on network or service provision  
2 to the petitioner.

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

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

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

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

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

1 agent must be reported to the Illinois Commerce  
2 Commission within 30 days of such change.

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

10 (c) Relevant factors; findings.

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

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

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

1            caretaker.

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

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

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

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

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

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

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

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

1 (4) (Blank).

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

26 (d) Balance of hardships; findings. If the court finds

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

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

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

14 (2) respondent was voluntarily intoxicated;

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

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

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

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

25 (7) conduct by any family or household member excused  
26 the abuse by respondent, unless that same conduct would

1           have excused such abuse if the parties had not been family  
2           or household members.

3           (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;  
4           102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

5           Section 25. The Illinois Domestic Violence Act of 1986 is  
6           amended by changing Sections 214, 217, and 223 as follows:

7           (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

8           Sec. 214. Order of protection; remedies.

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

24          (a-1) If the respondent to an order of protection issued



1 under subsection (a) is subject to paragraph (14.5) or (14.6)  
2 of subsection (b), the order of protection shall also include  
3 an order to surrender firearms. The order to surrender  
4 firearms shall require the respondent to surrender any firearm  
5 on the day the respondent is served with the order of  
6 protection. Upon the respondent surrendering any firearm to  
7 the appropriate law enforcement agency, the law enforcement  
8 agency shall provide a statement of receipt of any firearm,  
9 with a description of any firearm surrendered, to the  
10 respondent and the court. This statement of receipt shall be  
11 considered proof of compliance with an order to surrender  
12 firearms and may be presented as proof at a hearing.

13 The failure to surrender any firearm within 24 hours to  
14 the appropriate law enforcement agency under an order to  
15 surrender firearms shall constitute contempt of court for the  
16 violation of the terms of the order of protection.

17 Within 30 days of the effective date of this amendatory  
18 Act of the 103rd General Assembly, the Supreme Court shall  
19 adopt a form for an order to surrender firearms and update any  
20 existing forms for an order of protection to reflect the  
21 changes made by this amendatory Act of the 103rd General  
22 Assembly. The form for an order to surrender firearms shall  
23 also include forms for a declaration of surrender of firearms,  
24 proof of surrender, declaration of nonsurrender, and order to  
25 release firearms.

26 (b) Remedies and standards. The remedies to be included in

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

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

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

26 (A) Right to occupancy. A party has a right to

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

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

25 The balance of hardships is presumed to favor  
26 possession by petitioner unless the presumption is

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

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

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

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

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

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

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

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

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

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

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

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

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



1 responsibility to respondent would not be in the child's  
2 best interest.

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

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

1 petitioner or petitioner's minor children or is behaving  
2 in a violent or abusive manner.

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

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

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

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

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

1           (ii) the parties own the property jointly; sharing  
2           it would risk abuse of petitioner by respondent or is  
3           impracticable; and the balance of hardships favors  
4           temporary possession by petitioner.

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

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

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

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

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

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

25 (ii) Recovery of expenses. In the case of an  
26 improper concealment or removal of a minor child, the

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

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

11 (14.5) Prohibition of firearm possession.

12 (a) Prohibit a respondent against whom an order of  
13 protection was issued from possessing any firearms  
14 during the duration of the order if the order:

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

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

25 (3) (i) includes a finding that such person  
26 represents a credible threat to the physical

1 safety of such intimate partner or child; or (ii)  
2 by its terms explicitly prohibits the use,  
3 attempted use, or threatened use of physical force  
4 against such intimate partner or child that would  
5 reasonably be expected to cause bodily injury.

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

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

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

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

22 (14.6) Prohibition of firearm possession; emergency  
23 orders.

24 (a) Any Firearm Owner's Identification Card in the  
25 possession of the respondent, except as provided in  
26 subparagraph (b), shall be suspended consistent with



1           Section 8.2 of the Firearm Owners Identification Act,  
2           and the respondent shall be ordered by the court to  
3           surrender the card and any firearm in the respondent's  
4           possession consistent with Sections 8.3 and 9.5 of the  
5           Firearm Owners Identification Act. The period of  
6           surrender shall be for the duration of the order of  
7           protection.

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

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

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

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

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

21 (18) Telephone services.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 financial information, and customer preferences.

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

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

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

20 (c) Relevant factors; findings.

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

25 (i) the nature, frequency, severity, pattern and  
26 consequences of the respondent's past abuse, neglect

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

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

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

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

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

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

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

26 (4) of this subsection, the court shall make its findings

1 in an official record or in writing, and shall at a minimum  
2 set forth the following:

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

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

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

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

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

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

26           (d) Balance of hardships; findings. If the court finds



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

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

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

14 (2) Respondent was voluntarily intoxicated;

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

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

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

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

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

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

7           (750 ILCS 60/217) (from Ch. 40, par. 2312-17)

8           Sec. 217. Emergency order of protection.

9           (a) Prerequisites. An emergency order of protection shall  
10          issue if petitioner satisfies the requirements of this  
11          subsection for one or more of the requested remedies. For each  
12          remedy requested, the petitioner shall establish that:

13                 (1) The court has jurisdiction under Section 208;

14                 (2) The requirements of Section 214 are satisfied; and

15                 (3) There is good cause to grant the remedy,  
16          regardless of prior service of process or of notice upon  
17          the respondent, because:

18                         (i) For the remedies of "prohibition of abuse"  
19                         described in Section 214(b)(1), "stay away order and  
20                         additional prohibitions" described in Section  
21                         214(b)(3), "removal or concealment of minor child"  
22                         described in Section 214(b)(8), "order to appear"  
23                         described in Section 214(b)(9), "physical care and  
24                         possession of the minor child" described in Section  
25                         214(b)(5), "protection of property" described in

1 Section 214(b)(11), "prohibition of entry" described  
2 in Section 214(b)(14), "prohibition of firearm  
3 possession" described in Section 214(b)(14.6)  
4 ~~214(b)(14.5)~~, "prohibition of access to records"  
5 described in Section 214(b)(15), and "injunctive  
6 relief" described in Section 214(b)(16), the harm  
7 which that remedy is intended to prevent would be  
8 likely to occur if the respondent were given any prior  
9 notice, or greater notice than was actually given, of  
10 the petitioner's efforts to obtain judicial relief;

11 (ii) For the remedy of "grant of exclusive  
12 possession of residence" described in Section  
13 214(b)(2), the immediate danger of further abuse of  
14 the petitioner by the respondent, if the petitioner  
15 chooses or had chosen to remain in the residence or  
16 household while the respondent was given any prior  
17 notice or greater notice than was actually given of  
18 the petitioner's efforts to obtain judicial relief,  
19 outweighs the hardships to the respondent of an  
20 emergency order granting the petitioner exclusive  
21 possession of the residence or household. This remedy  
22 shall not be denied because the petitioner has or  
23 could obtain temporary shelter elsewhere while prior  
24 notice is given to the respondent, unless the  
25 hardships to respondent from exclusion from the home  
26 substantially outweigh those to the petitioner;

1 (iii) For the remedy of "possession of personal  
2 property" described in Section 214(b)(10), improper  
3 disposition of the personal property would be likely  
4 to occur if the respondent were given any prior  
5 notice, or greater notice than was actually given, of  
6 the petitioner's efforts to obtain judicial relief, or  
7 the petitioner has an immediate and pressing need for  
8 possession of that property.

9 An emergency order may not include the counseling, legal  
10 custody, payment of support, or monetary compensation  
11 remedies.

12 (a-5) When a petition for an emergency order of protection  
13 is granted, the order and file shall not be public and shall  
14 only be accessible to the court, the petitioner, law  
15 enforcement, a domestic violence advocate or counselor, the  
16 counsel of record for either party, and the State's Attorney  
17 for the county until the order is served on the respondent.

18 (b) Appearance by respondent. If the respondent appears in  
19 court for this hearing for an emergency order, he or she may  
20 elect to file a general appearance and testify. Any resulting  
21 order may be an emergency order, governed by this Section.  
22 Notwithstanding the requirements of this Section, if all  
23 requirements of Section 218 have been met, the court may issue  
24 a 30-day interim order.

25 (c) Emergency orders: court holidays and evenings.

26 (1) Prerequisites. When the court is unavailable at

1 the close of business, the petitioner may file a petition  
2 for a 21-day emergency order before any available circuit  
3 judge or associate judge who may grant relief under this  
4 Act. If the judge finds that there is an immediate and  
5 present danger of abuse to the petitioner and that the  
6 petitioner has satisfied the prerequisites set forth in  
7 subsection (a) of Section 217, that judge may issue an  
8 emergency order of protection.

9 (1.5) Issuance of order. The chief judge of the  
10 circuit court may designate for each county in the circuit  
11 at least one judge to be reasonably available to issue  
12 orally, by telephone, by facsimile, or otherwise, an  
13 emergency order of protection at all times, whether or not  
14 the court is in session.

15 (2) Certification and transfer. The judge who issued  
16 the order under this Section shall promptly communicate or  
17 convey the order to the sheriff to facilitate the entry of  
18 the order into the Law Enforcement Agencies Data System by  
19 the Illinois State Police pursuant to Section 302. Any  
20 order issued under this Section and any documentation in  
21 support thereof shall be certified on the next court day  
22 to the appropriate court. The clerk of that court shall  
23 immediately assign a case number, file the petition, order  
24 and other documents with the court, and enter the order of  
25 record and file it with the sheriff for service, in  
26 accordance with Section 222. Filing the petition shall

1 commence proceedings for further relief under Section 202.  
2 Failure to comply with the requirements of this subsection  
3 shall not affect the validity of the order.  
4 (Source: P.A. 101-255, eff. 1-1-20; 102-538, eff. 8-20-21;  
5 102-831, eff. 5-13-22; revised 7-29-22.)

6 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)  
7 Sec. 223. Enforcement of orders of protection.

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

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

16 (i) remedies described in paragraphs (1), (2),  
17 (3), (14), ~~or~~ (14.5), or (14.6) of subsection (b) of  
18 Section 214 of this Act; or

19 (ii) a remedy, which is substantially similar to  
20 the remedies authorized under paragraphs (1), (2),  
21 (3), (14), ~~and~~ (14.5), and (14.6) of subsection (b) of  
22 Section 214 of this Act, in a valid order of protection  
23 which is authorized under the laws of another state,  
24 tribe, or United States territory; or

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

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

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

7 (2) The respondent commits the crime of child  
8 abduction pursuant to Section 10-5 of the Criminal Code of  
9 1961 or the Criminal Code of 2012, by having knowingly  
10 violated:

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

13 (ii) a remedy, which is substantially similar to  
14 the remedies authorized under paragraphs (5), (6), or  
15 (8) of subsection (b) of Section 214 of this Act, in a  
16 valid order of protection which is authorized under  
17 the laws of another state, tribe, or United States  
18 territory.

19 (b) When violation is contempt of court. A violation of  
20 any valid Illinois order of protection, whether issued in a  
21 civil or criminal proceeding or by a military tribunal, may be  
22 enforced through civil or criminal contempt procedures, as  
23 appropriate, by any court with jurisdiction, regardless where  
24 the act or acts which violated the order of protection were  
25 committed, to the extent consistent with the venue provisions  
26 of this Act. Nothing in this Act shall preclude any Illinois

1 court from enforcing any valid order of protection issued in  
2 another state. Illinois courts may enforce orders of  
3 protection through both criminal prosecution and contempt  
4 proceedings, unless the action which is second in time is  
5 barred by collateral estoppel or the constitutional  
6 prohibition against double jeopardy.

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

17 (2) A petition for a rule to show cause for violation  
18 of an order of protection shall be treated as an expedited  
19 proceeding.

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

24 (b-2) The court may hold the parents, guardian, or legal  
25 custodian of a minor respondent in civil or criminal contempt  
26 for a violation of any provision of any order entered under



1 this Act for conduct of the minor respondent in violation of  
2 this Act if the parents, guardian, or legal custodian  
3 directed, encouraged, or assisted the respondent minor in such  
4 conduct.

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

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

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

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

21 (3) By service of an order of protection under Section  
22 222.

23 (4) By other means demonstrating actual knowledge of  
24 the contents of the order.

25 (e) The enforcement of an order of protection in civil or  
26 criminal court shall not be affected by either of the

1 following:

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

4 (2) Any finding or order entered in a conjoined  
5 criminal proceeding.

6 (f) Circumstances. The court, when determining whether or  
7 not a violation of an order of protection has occurred, shall  
8 not require physical manifestations of abuse on the person of  
9 the victim.

10 (g) Penalties.

11 (1) Except as provided in paragraph (3) of this  
12 subsection, where the court finds the commission of a  
13 crime or contempt of court under subsections (a) or (b) of  
14 this Section, the penalty shall be the penalty that  
15 generally applies in such criminal or contempt  
16 proceedings, and may include one or more of the following:  
17 incarceration, payment of restitution, a fine, payment of  
18 attorneys' fees and costs, or community service.

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

23 (3) To the extent permitted by law, the court is  
24 encouraged to:

25 (i) increase the penalty for the knowing violation  
26 of any order of protection over any penalty previously

1 imposed by any court for respondent's violation of any  
2 order of protection or penal statute involving  
3 petitioner as victim and respondent as defendant;

4 (ii) impose a minimum penalty of 24 hours  
5 imprisonment for respondent's first violation of any  
6 order of protection; and

7 (iii) impose a minimum penalty of 48 hours  
8 imprisonment for respondent's second or subsequent  
9 violation of an order of protection

10 unless the court explicitly finds that an increased  
11 penalty or that period of imprisonment would be manifestly  
12 unjust.

13 (4) In addition to any other penalties imposed for a  
14 violation of an order of protection, a criminal court may  
15 consider evidence of any violations of an order of  
16 protection:

17 (i) to increase, revoke or modify the conditions  
18 of pretrial release on an underlying criminal charge  
19 pursuant to Section 110-6 of the Code of Criminal  
20 Procedure of 1963;

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

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

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

7           (Source: P.A. 101-652, eff. 1-1-23; 102-890, eff. 5-19-22.)

8           Section 97. Severability. The provisions of this Act are  
9           severable under Section 1.31 of the Statute on Statutes.

10          Section 99. Effective date. This Act takes effect upon  
11          becoming law.