

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 Firearm Owners Identification Card Act is
5 amended by changing Sections 4 and 8 as follows:

6 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

7 Sec. 4. (a) Each applicant for a Firearm Owner's
8 Identification Card must:

9 (1) Make application on blank forms prepared and
10 furnished at convenient locations throughout the State by
11 the Department of State Police, or by electronic means, if
12 and when made available by the Department of State Police;
13 and

14 (2) Submit evidence to the Department of State Police
15 that:

16 (i) He or she is 21 years of age or over, or if he
17 or she is under 21 years of age that he or she has the
18 written consent of his or her parent or legal guardian
19 to possess and acquire firearms and firearm ammunition
20 and that he or she has never been convicted of a
21 misdemeanor other than a traffic offense or adjudged
22 delinquent, provided, however, that such parent or
23 legal guardian is not an individual prohibited from

1 having a Firearm Owner's Identification Card and files
2 an affidavit with the Department as prescribed by the
3 Department stating that he or she is not an individual
4 prohibited from having a Card;

5 (ii) He or she has not been convicted of a felony
6 under the laws of this or any other jurisdiction;

7 (iii) He or she is not addicted to narcotics;

8 (iv) He or she has not been a patient in a mental
9 institution within the past 5 years and he or she has
10 not been adjudicated as a mental defective;

11 (v) He or she is not mentally retarded;

12 (vi) He or she is not an alien who is unlawfully
13 present in the United States under the laws of the
14 United States;

15 (vii) He or she is not subject to an existing order
16 of protection prohibiting him or her from possessing a
17 firearm;

18 (viii) He or she has not been convicted within the
19 past 5 years of battery, assault, aggravated assault,
20 violation of an order of protection, or a substantially
21 similar offense in another jurisdiction, in which a
22 firearm was used or possessed;

23 (ix) He or she has not been convicted of domestic
24 battery, aggravated domestic battery, or a
25 substantially similar offense in another jurisdiction
26 committed before, on or after the effective date of

1 this amendatory Act of the 97th General Assembly 1997;

2 (x) (Blank) ~~He or she has not been convicted within~~
3 ~~the past 5 years of domestic battery or a substantially~~
4 ~~similar offense in another jurisdiction committed~~
5 ~~before the effective date of this amendatory Act of~~
6 ~~1997;~~

7 (xi) He or she is not an alien who has been
8 admitted to the United States under a non-immigrant
9 visa (as that term is defined in Section 101(a)(26) of
10 the Immigration and Nationality Act (8 U.S.C.
11 1101(a)(26))), or that he or she is an alien who has
12 been lawfully admitted to the United States under a
13 non-immigrant visa if that alien is:

14 (1) admitted to the United States for lawful
15 hunting or sporting purposes;

16 (2) an official representative of a foreign
17 government who is:

18 (A) accredited to the United States
19 Government or the Government's mission to an
20 international organization having its
21 headquarters in the United States; or

22 (B) en route to or from another country to
23 which that alien is accredited;

24 (3) an official of a foreign government or
25 distinguished foreign visitor who has been so
26 designated by the Department of State;

1 (4) a foreign law enforcement officer of a
2 friendly foreign government entering the United
3 States on official business; or

4 (5) one who has received a waiver from the
5 Attorney General of the United States pursuant to
6 18 U.S.C. 922 (y) (3);

7 (xii) He or she is not a minor subject to a
8 petition filed under Section 5-520 of the Juvenile
9 Court Act of 1987 alleging that the minor is a
10 delinquent minor for the commission of an offense that
11 if committed by an adult would be a felony; and

12 (xiii) He or she is not an adult who had been
13 adjudicated a delinquent minor under the Juvenile
14 Court Act of 1987 for the commission of an offense that
15 if committed by an adult would be a felony; and

16 (3) Upon request by the Department of State Police,
17 sign a release on a form prescribed by the Department of
18 State Police waiving any right to confidentiality and
19 requesting the disclosure to the Department of State Police
20 of limited mental health institution admission information
21 from another state, the District of Columbia, any other
22 territory of the United States, or a foreign nation
23 concerning the applicant for the sole purpose of
24 determining whether the applicant is or was a patient in a
25 mental health institution and disqualified because of that
26 status from receiving a Firearm Owner's Identification

1 Card. No mental health care or treatment records may be
2 requested. The information received shall be destroyed
3 within one year of receipt.

4 (a-5) Each applicant for a Firearm Owner's Identification
5 Card who is over the age of 18 shall furnish to the Department
6 of State Police either his or her driver's license number or
7 Illinois Identification Card number.

8 (a-10) Each applicant for a Firearm Owner's Identification
9 Card, who is employed as an armed security officer at a nuclear
10 energy, storage, weapons, or development facility regulated by
11 the Nuclear Regulatory Commission and who is not an Illinois
12 resident, shall furnish to the Department of State Police his
13 or her driver's license number or state identification card
14 number from his or her state of residence. The Department of
15 State Police may promulgate rules to enforce the provisions of
16 this subsection (a-10).

17 (b) Each application form shall include the following
18 statement printed in bold type: "Warning: Entering false
19 information on an application for a Firearm Owner's
20 Identification Card is punishable as a Class 2 felony in
21 accordance with subsection (d-5) of Section 14 of the Firearm
22 Owners Identification Card Act."

23 (c) Upon such written consent, pursuant to Section 4,
24 paragraph (a)(2)(i), the parent or legal guardian giving the
25 consent shall be liable for any damages resulting from the
26 applicant's use of firearms or firearm ammunition.

1 (Source: P.A. 95-581, eff. 6-1-08.)

2 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

3 Sec. 8. The Department of State Police has authority to
4 deny an application for or to revoke and seize a Firearm
5 Owner's Identification Card previously issued under this Act
6 only if the Department finds that the applicant or the person
7 to whom such card was issued is or was at the time of issuance:

8 (a) A person under 21 years of age who has been convicted
9 of a misdemeanor other than a traffic offense or adjudged
10 delinquent;

11 (b) A person under 21 years of age who does not have the
12 written consent of his parent or guardian to acquire and
13 possess firearms and firearm ammunition, or whose parent or
14 guardian has revoked such written consent, or where such parent
15 or guardian does not qualify to have a Firearm Owner's
16 Identification Card;

17 (c) A person convicted of a felony under the laws of this
18 or any other jurisdiction;

19 (d) A person addicted to narcotics;

20 (e) A person who has been a patient of a mental institution
21 within the past 5 years or has been adjudicated as a mental
22 defective;

23 (f) A person whose mental condition is of such a nature
24 that it poses a clear and present danger to the applicant, any
25 other person or persons or the community;

1 For the purposes of this Section, "mental condition" means
2 a state of mind manifested by violent, suicidal, threatening or
3 assaultive behavior.

4 (g) A person who is mentally retarded;

5 (h) A person who intentionally makes a false statement in
6 the Firearm Owner's Identification Card application;

7 (i) An alien who is unlawfully present in the United States
8 under the laws of the United States;

9 (i-5) An alien who has been admitted to the United States
10 under a non-immigrant visa (as that term is defined in Section
11 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
12 1101(a)(26))), except that this subsection (i-5) does not apply
13 to any alien who has been lawfully admitted to the United
14 States under a non-immigrant visa if that alien is:

15 (1) admitted to the United States for lawful hunting or
16 sporting purposes;

17 (2) an official representative of a foreign government
18 who is:

19 (A) accredited to the United States Government or
20 the Government's mission to an international
21 organization having its headquarters in the United
22 States; or

23 (B) en route to or from another country to which
24 that alien is accredited;

25 (3) an official of a foreign government or
26 distinguished foreign visitor who has been so designated by

1 the Department of State;

2 (4) a foreign law enforcement officer of a friendly
3 foreign government entering the United States on official
4 business; or

5 (5) one who has received a waiver from the Attorney
6 General of the United States pursuant to 18 U.S.C.
7 922 (y) (3);

8 (j) (Blank);

9 (k) A person who has been convicted within the past 5 years
10 of battery, assault, aggravated assault, violation of an order
11 of protection, or a substantially similar offense in another
12 jurisdiction, in which a firearm was used or possessed;

13 (l) A person who has been convicted of domestic battery, l
14 aggravated domestic battery, or a substantially similar
15 offense in another jurisdiction committed before, on or after
16 the effective date of this amendatory Act of the 97th General
17 Assembly January 1, 1998;

18 (m) (Blank) ~~A person who has been convicted within the past~~
19 ~~5 years of domestic battery or a substantially similar offense~~
20 ~~in another jurisdiction committed before January 1, 1998~~;

21 (n) A person who is prohibited from acquiring or possessing
22 firearms or firearm ammunition by any Illinois State statute or
23 by federal law;

24 (o) A minor subject to a petition filed under Section 5-520
25 of the Juvenile Court Act of 1987 alleging that the minor is a
26 delinquent minor for the commission of an offense that if

1 committed by an adult would be a felony; or

2 (p) An adult who had been adjudicated a delinquent minor
3 under the Juvenile Court Act of 1987 for the commission of an
4 offense that if committed by an adult would be a felony.

5 (Source: P.A. 95-581, eff. 6-1-08; 96-701, eff. 1-1-10.)

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

8 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

9 Sec. 112A-14. Order of protection; remedies.

10 (a) Issuance of order. If the court finds that petitioner
11 has been abused by a family or household member, as defined in
12 this Article, an order of protection prohibiting such abuse
13 shall issue; provided that petitioner must also satisfy the
14 requirements of one of the following Sections, as appropriate:
15 Section 112A-17 on emergency orders, Section 112A-18 on interim
16 orders, or Section 112A-19 on plenary orders. Petitioner shall
17 not 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 physical
20 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 Article.

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 appropriate:
2 Section 112A-17 on emergency orders, Section 112A-18 on interim
3 orders, and Section 112A-19 on plenary orders. The remedies
4 listed in this subsection shall be in addition to other civil
5 or criminal remedies 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 Section 701 of the
20 Illinois Marriage and Dissolution of Marriage Act.

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

1 authorizes that party's occupancy (e.g., a domestic
2 violence shelter). Standards set forth in subparagraph
3 (B) shall not preclude equitable relief.

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

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

1 motion, may order respondent to provide suitable,
2 accessible, alternate housing for petitioner instead
3 of excluding respondent from a mutual residence or
4 household.

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

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

25 (4) Counseling. Require or recommend the respondent to
26 undergo counseling for a specified duration with a social

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

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

21 If a court finds, after a hearing, that respondent has
22 committed abuse (as defined in Section 112A-3) of a minor
23 child, there shall be a rebuttable presumption that
24 awarding physical care to respondent would not be in the
25 minor child's best interest.

26 (6) Temporary legal custody. Award temporary legal

1 custody to petitioner in accordance with this Section, the
2 Illinois Marriage and Dissolution of Marriage Act, the
3 Illinois Parentage Act of 1984, and this State's Uniform
4 Child-Custody Jurisdiction and Enforcement Act.

5 If a court finds, after a hearing, that respondent has
6 committed abuse (as defined in Section 112A-3) of a minor
7 child, there shall be a rebuttable presumption that
8 awarding temporary legal custody to respondent would not be
9 in the child's best interest.

10 (7) Visitation. Determine the visitation rights, if
11 any, of respondent in any case in which the court awards
12 physical care or temporary legal custody of a minor child
13 to petitioner. The court shall restrict or deny
14 respondent's visitation with a minor child if the court
15 finds that respondent has done or is likely to do any of
16 the following: (i) abuse or endanger the minor child during
17 visitation; (ii) use the visitation as an opportunity to
18 abuse or harass petitioner or petitioner's family or
19 household members; (iii) improperly conceal or detain the
20 minor child; or (iv) otherwise act in a manner that is not
21 in the best interests of the minor child. The court shall
22 not be limited by the standards set forth in Section 607.1
23 of the Illinois Marriage and Dissolution of Marriage Act.
24 If the court grants visitation, the order shall specify
25 dates and times for the visitation to take place or other
26 specific parameters or conditions that are appropriate. No

1 order for visitation shall refer merely to the term
2 "reasonable visitation".

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

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

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

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

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

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

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

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

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

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

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

26 (ii) the parties own the property jointly, and the

1 balance of hardships favors granting this remedy.

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

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

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

21 (12) Order for payment of support. Order respondent to
22 pay temporary support for the petitioner or any child in
23 the petitioner's care or custody, when the respondent has a
24 legal obligation to support that person, in accordance with
25 the Illinois Marriage and Dissolution of Marriage Act,
26 which shall govern, among other matters, the amount of

1 support, payment through the clerk and withholding of
2 income to secure payment. An order for child support may be
3 granted to a petitioner with lawful physical care or
4 custody of a child, or an order or agreement for physical
5 care or custody, prior to entry of an order for legal
6 custody. Such a support order shall expire upon entry of a
7 valid order granting legal custody to another, unless
8 otherwise provided in the custody order.

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

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

26 (ii) Recovery of expenses. In the case of an

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

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

12 (14.5) Prohibition of firearm possession.

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

16 (1) was issued after a hearing of which such
17 person received actual notice, and at which such
18 person had an opportunity to 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~~ ~~When a complaint is made under a request for an~~
7 ~~order of protection, that the respondent has~~
8 ~~threatened or is likely to use firearms illegally~~
9 ~~against the petitioner, the court shall examine on oath~~
10 ~~the petitioner, and any witnesses who may be produced.~~
11 ~~If the court is satisfied that there is any danger of~~
12 ~~the illegal use of firearms, and the respondent is~~
13 ~~present in court, it shall issue an order that any~~
14 firearms in the possession of the respondent, except as
15 provided in subsection (b), shall be ordered by the
16 court to be turned over to the local law enforcement
17 agency for safekeeping. The court ~~If the court is~~
18 ~~satisfied that there is any danger of the illegal use~~
19 ~~of firearms, and the respondent is present in court, it~~
20 shall issue an order that the respondent's Firearm
21 Owner's Identification Card be turned over to the local
22 law enforcement agency for safekeeping. ~~If the court is~~
23 ~~satisfied that there is any danger of the illegal use~~
24 ~~of firearms, and if the respondent is not present in~~
25 ~~court, the court shall issue a warrant for seizure of~~
26 ~~the respondent's Firearm Owner's Identification Card~~

1 ~~and any firearm in the possession of the respondent,~~
2 ~~except as provided in subsection (b), be turned over to~~
3 ~~the local law enforcement agency for safekeeping. The~~
4 period of safekeeping shall be for the duration of the
5 order of protection ~~a stated period of time not to~~
6 ~~exceed 2 years.~~ The firearm or firearms shall be
7 returned to the respondent ~~at the end of the stated~~
8 ~~period or~~ at expiration of the order of protection,
9 ~~whichever is sooner.~~

10 (b) If the respondent is a peace officer as defined
11 in Section 2-13 of the Criminal Code of 1961, the court
12 shall order that any firearms used by the respondent in
13 the performance of his or her duties as a peace officer
14 be surrendered to the chief law enforcement executive
15 of the agency in which the respondent is employed, who
16 shall retain the firearms for safekeeping for the
17 duration of the order of protection ~~stated period not~~
18 ~~to exceed 2 years as set forth in the court order.~~

19 (c) Upon expiration of the period of safekeeping,
20 if the firearms or Firearm Owner's Identification Card
21 cannot be returned to respondent because respondent
22 cannot be located, fails to respond to requests to
23 retrieve the firearms, or is not lawfully eligible to
24 possess a firearm, upon petition from the local law
25 enforcement agency, the court may order the local law
26 enforcement agency to destroy the firearms, use the

1 firearms for training purposes, or for any other
2 application as deemed appropriate by the local law
3 enforcement agency; or that the firearms be turned over
4 to a third party who is lawfully eligible to possess
5 firearms, and who does not reside with respondent.

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

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

21 (17) Order for injunctive relief. Enter injunctive
22 relief necessary or appropriate to prevent further abuse of
23 a family or household member or to effectuate one of the
24 granted remedies, if supported by the balance of hardships.
25 If the harm to be prevented by the injunction is abuse or
26 any other harm that one of the remedies listed in

1 paragraphs (1) through (16) of this subsection is designed
2 to prevent, no further evidence is necessary to establish
3 that the harm is an irreparable injury.

4 (c) Relevant factors; findings.

5 (1) In determining whether to grant a specific remedy,
6 other than payment of support, the court shall consider
7 relevant factors, including but not limited to the
8 following:

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

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

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

26 (i) availability, accessibility, cost, safety,

1 adequacy, location and other characteristics of
2 alternate housing for each party and any minor child or
3 dependent adult in the party's care;

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

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

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

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

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

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

21 (4) For purposes of issuing an ex parte emergency order
22 of protection, the court, as an alternative to or as a
23 supplement to making the findings described in paragraphs
24 (c) (3) (i) through (c) (3) (iii) of this subsection, may use
25 the following procedure:

26 When a verified petition for an emergency order of

1 protection in accordance with the requirements of Sections
2 112A-5 and 112A-17 is presented to the court, the court
3 shall examine petitioner on oath or affirmation. An
4 emergency order of protection shall be issued by the court
5 if it appears from the contents of the petition and the
6 examination of petitioner that the averments are
7 sufficient to indicate abuse by respondent and to support
8 the granting of relief under the issuance of the emergency
9 order of protection.

10 (5) Never married parties. No rights or
11 responsibilities for a minor child born outside of marriage
12 attach to a putative father until a father and child
13 relationship has been established under the Illinois
14 Parentage Act of 1984. Absent such an adjudication, no
15 putative father shall be granted temporary custody of the
16 minor child, visitation with the minor child, or physical
17 care and possession of the minor child, nor shall an order
18 of payment for support of the minor child be entered.

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

1 shall be an official record or in writing.

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

4 (1) Respondent has cause for any use of force, unless
5 that cause satisfies the standards for justifiable use of
6 force provided by Article VII of the Criminal Code of 1961;

7 (2) Respondent was voluntarily intoxicated;

8 (3) Petitioner acted in self-defense or defense of
9 another, provided that, if petitioner utilized force, such
10 force was justifiable under Article VII of the Criminal
11 Code of 1961;

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

14 (5) Petitioner left the residence or household to avoid
15 further abuse by respondent;

16 (6) Petitioner did not leave the residence or household
17 to avoid further abuse by respondent;

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

22 (Source: P.A. 95-234, eff. 1-1-08; 95-773, eff. 1-1-09; 96-701,
23 eff. 1-1-10; 96-1239, eff. 1-1-11.)

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

1 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

2 Sec. 214. Order of protection; remedies.

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

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

25 (1) Prohibition of abuse, neglect, or exploitation.

1 Prohibit respondent's harassment, interference with
2 personal liberty, intimidation of a dependent, physical
3 abuse, or willful deprivation, neglect or exploitation, as
4 defined in this Act, or stalking of the petitioner, as
5 defined in Section 12-7.3 of the Criminal Code of 1961, if
6 such abuse, neglect, exploitation, or stalking has
7 occurred or otherwise appears likely to occur if not
8 prohibited.

9 (2) Grant of exclusive possession of residence.
10 Prohibit respondent from entering or remaining in any
11 residence, household, or premises of the petitioner,
12 including one owned or leased by respondent, if petitioner
13 has a right to occupancy thereof. The grant of exclusive
14 possession of the residence, household, or premises shall
15 not affect title to real property, nor shall the court be
16 limited by the standard set forth in Section 701 of the
17 Illinois Marriage and Dissolution of Marriage Act.

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

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

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

1 household.

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

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

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

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

8 (5) Physical care and possession of the minor child. In
9 order to protect the minor child from abuse, neglect, or
10 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 a court finds, after a hearing, that respondent has
19 committed abuse (as defined in Section 103) of a minor
20 child, there shall be a rebuttable presumption that
21 awarding physical care to respondent would not be in the
22 minor child's best interest.

23 (6) Temporary legal custody. Award temporary legal
24 custody to petitioner in accordance with this Section, the
25 Illinois Marriage and Dissolution of Marriage Act, the
26 Illinois Parentage Act of 1984, and this State's Uniform

1 Child-Custody Jurisdiction and Enforcement Act.

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

7 (7) Visitation. Determine the visitation rights, if
8 any, of respondent in any case in which the court awards
9 physical care or temporary legal custody of a minor child
10 to petitioner. The court shall restrict or deny
11 respondent's visitation with a minor child if the court
12 finds that respondent has done or is likely to do any of
13 the following: (i) abuse or endanger the minor child during
14 visitation; (ii) use the visitation as an opportunity to
15 abuse or harass petitioner or petitioner's family or
16 household members; (iii) improperly conceal or detain the
17 minor child; or (iv) otherwise act in a manner that is not
18 in the best interests of the minor child. The court shall
19 not be limited by the standards set forth in Section 607.1
20 of the Illinois Marriage and Dissolution of Marriage Act.
21 If the court grants visitation, the order shall specify
22 dates and times for the visitation to take place or other
23 specific parameters or conditions that are appropriate. No
24 order for visitation shall refer merely to the term
25 "reasonable visitation".

26 Petitioner may deny respondent access to the minor

1 child if, when respondent arrives for visitation,
2 respondent is under the influence of drugs or alcohol and
3 constitutes a threat to the safety and well-being of
4 petitioner or petitioner's minor children or is behaving in
5 a violent or abusive manner.

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

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

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

24 (10) Possession of personal property. Grant petitioner
25 exclusive possession of personal property and, if
26 respondent has possession or control, direct respondent to

1 promptly make it available to petitioner, if:

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

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

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

15 No order under this provision shall affect title to
16 property.

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

21 (i) petitioner, but not respondent, owns the
22 property; or

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

25 If petitioner's sole claim to ownership of the property
26 is that it is marital property, the court may grant

1 petitioner relief under subparagraph (ii) of this
2 paragraph only if a proper proceeding has been filed under
3 the Illinois Marriage and Dissolution of Marriage Act, as
4 now or hereafter amended.

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

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

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

1 custody of a child, or an order or agreement for physical
2 care or custody, prior to entry of an order for legal
3 custody. Such a support order shall expire upon entry of a
4 valid order granting legal custody to another, unless
5 otherwise provided in the custody 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 well-being
9 of the petitioner or the petitioner's children.

10 (14.5) Prohibition of firearm possession.

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

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

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

23 (3)(i) includes a finding that such person
24 represents a credible threat to the physical
25 safety of such intimate partner or child; or (ii)
26 by its terms explicitly prohibits the use,

1 attempted use, or threatened use of physical force
2 against such intimate partner or child that would
3 reasonably be expected to cause bodily injury.

4 ~~Any~~ When a complaint is made under a request for an
5 ~~order of protection, that the respondent has~~
6 ~~threatened or is likely to use firearms illegally~~
7 ~~against the petitioner, the court shall examine on oath~~
8 ~~the petitioner, and any witnesses who may be produced.~~
9 ~~If the court is satisfied that there is any danger of~~
10 ~~the illegal use of firearms, and the respondent is~~
11 ~~present in court, it shall issue an order that any~~
12 ~~firearms and any~~ Firearm Owner's Identification Card
13 in the possession of the respondent, except as provided
14 in subsection (b), shall be ordered by the court to be
15 turned over to the local law enforcement agency for
16 safekeeping. ~~The~~ ~~If the court is satisfied that there~~
17 ~~is any danger of the illegal use of firearms, and if~~
18 ~~the respondent is not present in court, the court shall~~
19 issue a warrant for seizure of any firearm and Firearm
20 Owner's Identification Card in the possession of the
21 respondent, to be kept by the local law enforcement
22 agency for safekeeping, except as provided in
23 subsection (b). The period of safekeeping shall be for
24 the duration of the order of protection ~~a stated period~~
25 ~~of time not to exceed 2 years.~~ The firearm or firearms
26 and Firearm Owner's Identification Card shall be

1 returned to the respondent at the end of ~~the stated~~
2 ~~period or at expiration of~~ the order of protection,
3 ~~whichever is sooner.~~

4 (b) If the respondent is a peace officer as defined
5 in Section 2-13 of the Criminal Code of 1961, the court
6 shall order that any firearms used by the respondent in
7 the performance of his or her duties as a peace officer
8 be surrendered to the chief law enforcement executive
9 of the agency in which the respondent is employed, who
10 shall retain the firearms for safekeeping for the
11 duration of the order of protection ~~stated period not~~
12 ~~to exceed 2 years as set forth in the court order.~~

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

26 (15) Prohibition of access to records. If an order of

1 protection prohibits respondent from having contact with
2 the minor child, or if petitioner's address is omitted
3 under subsection (b) of Section 203, or if necessary to
4 prevent abuse or wrongful removal or concealment of a minor
5 child, the order shall deny respondent access to, and
6 prohibit respondent from inspecting, obtaining, or
7 attempting to inspect or obtain, school or any other
8 records of the minor child who is in the care of
9 petitioner.

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

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

25 (c) Relevant factors; findings.

26 (1) In determining whether to grant a specific remedy,

1 other than payment of support, the court shall consider
2 relevant factors, including but not limited to the
3 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (5) Never married parties. No rights or
6 responsibilities for a minor child born outside of marriage
7 attach to a putative father until a father and child
8 relationship has been established under the Illinois
9 Parentage Act of 1984, the Illinois Public Aid Code,
10 Section 12 of the Vital Records Act, the Juvenile Court Act
11 of 1987, the Probate Act of 1985, the Revised Uniform
12 Reciprocal Enforcement of Support Act, the Uniform
13 Interstate Family Support Act, the Expedited Child Support
14 Act of 1990, any judicial, administrative, or other act of
15 another state or territory, any other Illinois statute, or
16 by any foreign nation establishing the father and child
17 relationship, any other proceeding substantially in
18 conformity with the Personal Responsibility and Work
19 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),
20 or where both parties appeared in open court or at an
21 administrative hearing acknowledging under oath or
22 admitting by affirmation the existence of a father and
23 child relationship. Absent such an adjudication, finding,
24 or acknowledgement, no putative father shall be granted
25 temporary custody of the minor child, visitation with the
26 minor child, or physical care and possession of the minor

1 child, nor shall an order of payment for support of the
2 minor child be entered.

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

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

14 (1) Respondent has cause for any use of force, unless
15 that cause satisfies the standards for justifiable use of
16 force provided by Article VII of the Criminal Code of 1961;

17 (2) Respondent was voluntarily intoxicated;

18 (3) Petitioner acted in self-defense or defense of
19 another, provided that, if petitioner utilized force, such
20 force was justifiable under Article VII of the Criminal
21 Code of 1961;

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

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

26 (6) Petitioner did not leave the residence or household

1 to avoid further abuse, neglect, or exploitation by
2 respondent;

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

8 (Source: P.A. 95-234, eff. 1-1-08; 95-773, eff. 1-1-09; 96-701,
9 eff. 1-1-10; 96-1239, eff. 1-1-11.)