



Rep. Maura Hirschauer

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10300HB1404ham001

LRB103 25023 LNS 58727 a

1 AMENDMENT TO HOUSE BILL 1404

2 AMENDMENT NO. _____. Amend House Bill 1404 by replacing
3 everything after the enacting clause with the following:

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

6 (430 ILCS 67/5)

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

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

14 "Firearms restraining order" means an order issued by the
15 court, prohibiting and enjoining a named person from having in
16 his or her custody or control, purchasing, possessing, or

1 receiving any firearms or ammunition, or removing firearm
2 parts that could be assembled to make an operable firearm.

3 "Intimate partner" means a spouse, former spouse, a person
4 with whom the respondent has or allegedly has a child in
5 common, or a person with whom the respondent has or has had a
6 dating or engagement relationship.

7 "Petitioner" means:

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

10 (2) a law enforcement officer who files a petition
11 alleging that the respondent poses a danger of causing
12 personal injury to himself, herself, or another by having
13 in his or her custody or control, purchasing, possessing,
14 or receiving a firearm, ammunition, or firearm parts that
15 could be assembled to make an operable firearm or removing
16 firearm parts that could be assembled to make an operable
17 firearm; or

18 (3) intimate partner.

19 "Respondent" means the person alleged in the petition to
20 pose a danger of causing personal injury to himself, herself,
21 or another by having in his or her custody or control,
22 purchasing, possessing, or receiving a firearm, ammunition, or
23 firearm parts that could be assembled to make an operable
24 firearm or removing firearm parts that could be assembled to
25 make an operable firearm.

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

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

3 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

4 Sec. 112A-14. Domestic violence order of protection;
5 remedies.

6 (a) (Blank).

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

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

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

1 Section 501 of the Illinois Marriage and Dissolution of
2 Marriage Act.

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

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

1 have a right to occupancy.

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

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

23 (A) If a domestic violence order of protection
24 grants petitioner exclusive possession of the
25 residence, prohibits respondent from entering the
26 residence, or orders respondent to stay away from

1 petitioner or other protected persons, then the court
2 may allow respondent access to the residence to remove
3 items of clothing and personal adornment used
4 exclusively by respondent, medications, and other
5 items as the court directs. The right to access shall
6 be exercised on only one occasion as the court directs
7 and in the presence of an agreed-upon adult third
8 party or law enforcement officer.

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

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

1 center to which the respondent is transferred. If the
2 court order results in a transfer of the minor
3 respondent to another attendance center, a change in
4 the respondent's placement, or a change of the
5 respondent's program, the parents, guardian, or legal
6 custodian of the respondent is responsible for
7 transportation and other costs associated with the
8 transfer or change.

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

18 (4) Counseling. Require or recommend the respondent to
19 undergo counseling for a specified duration with a social
20 worker, psychologist, clinical psychologist,
21 psychiatrist, family service agency, alcohol or substance
22 abuse program, mental health center guidance counselor,
23 agency providing services to elders, program designed for
24 domestic violence abusers, or any other guidance service
25 the court deems appropriate. The court may order the
26 respondent in any intimate partner relationship to report

1 to an Illinois Department of Human Services protocol
2 approved partner abuse intervention program for an
3 assessment and to follow all recommended treatment.

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

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

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

26 If the respondent is charged with abuse (as defined in

1 Section 112A-3 of this Code) of a minor child, there shall
2 be a rebuttable presumption that awarding temporary
3 significant decision-making responsibility to respondent
4 would not be in the child's best interest.

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

12 (i) abuse or endanger the minor child during
13 parenting time;

14 (ii) use the parenting time as an opportunity to
15 abuse or harass petitioner or petitioner's family or
16 household members;

17 (iii) improperly conceal or detain the minor
18 child; or

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

21 The court shall not be limited by the standards set
22 forth in Section 603.10 of the Illinois Marriage and
23 Dissolution of Marriage Act. If the court grants parenting
24 time, the order shall specify dates and times for the
25 parenting time to take place or other specific parameters
26 or conditions that are appropriate. No order for parenting

1 time shall refer merely to the term "reasonable parenting
2 time". Petitioner may deny respondent access to the minor
3 child if, when respondent arrives for parenting time,
4 respondent is under the influence of drugs or alcohol and
5 constitutes a threat to the safety and well-being of
6 petitioner or petitioner's minor children or is behaving
7 in a violent or abusive manner. If necessary to protect
8 any member of petitioner's family or household from future
9 abuse, respondent shall be prohibited from coming to
10 petitioner's residence to meet the minor child for
11 parenting time, and the petitioner and respondent shall
12 submit to the court their recommendations for reasonable
13 alternative arrangements for parenting time. A person may
14 be approved to supervise parenting time only after filing
15 an affidavit accepting that responsibility and
16 acknowledging accountability to the court.

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

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

26 (10) Possession of personal property. Grant petitioner

1 exclusive possession of personal property and, if
2 respondent has possession or control, direct respondent to
3 promptly make it available to petitioner, if:

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

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

11 If petitioner's sole claim to ownership of the
12 property is that it is marital property, the court may
13 award 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,
24 if:

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

1 (ii) the petitioner and respondent own the
2 property jointly, and the balance of hardships favors
3 granting this remedy.

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

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

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

23 (12) Order for payment of support. Order respondent to
24 pay temporary support for the petitioner or any child in
25 the petitioner's care or over whom the petitioner has been
26 allocated parental responsibility, when the respondent has

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

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

22 (i) Losses affecting family needs. If a party is
23 entitled to seek maintenance, child support, or
24 property distribution from the other party under the
25 Illinois Marriage and Dissolution of Marriage Act, as
26 now or hereafter amended, the court may order

1 respondent to reimburse petitioner's actual losses, to
2 the extent that such reimbursement would be
3 "appropriate temporary relief", as authorized by
4 subsection (a) (3) of Section 501 of that Act.

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

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

17 (14.5) Prohibition of firearm possession.

18 (A) A person who is subject to an existing
19 domestic violence order of protection issued under
20 this Code may not lawfully possess weapons or a
21 Firearm Owner's Identification Card under Section 8.2
22 of the Firearm Owners Identification Card Act.

23 (B) Any firearms in the possession of the
24 respondent, except as provided in subparagraph (C) of
25 this paragraph (14.5), shall be ordered by the court
26 to be turned over to a local law enforcement agency

1 ~~person with a valid Firearm Owner's Identification~~
2 ~~Card~~ for safekeeping and the respondent shall be
3 prohibited from acquiring or possessing any firearms
4 for the duration of the order of protection. The court
5 shall issue an order that the respondent comply with
6 Section 9.5 of the Firearm Owners Identification Card
7 Act.

8 (B-1) Immediately upon entry of an order of
9 protection prohibiting firearm possession under this
10 Section, the court shall issue a warrant for seizure
11 of any firearm in the possession of the respondent, to
12 be kept by the local law enforcement agency for
13 safekeeping, except as provided in subparagraph (C). A
14 return of the warrant for seizure shall be filed by the
15 law enforcement agency within 48 hours thereafter,
16 setting forth the time, date, and location that the
17 warrant for seizure was executed and what items, if
18 any, were seized. The petitioner's general description
19 of the firearm or firearms and their location shall be
20 sufficient to support issuing a warrant. The period of
21 safekeeping shall be for the duration of the order of
22 protection.

23 (B-2) Notwithstanding the issuance of a warrant
24 under subsection (B-1), the respondent shall be
25 ordered to immediately surrender any firearms to the
26 appropriate law enforcement agency and prohibited from

1 transferring firearms to another individual in lieu of
2 surrender to law enforcement.

3 (B-3) The relevant law enforcement agency shall
4 provide a statement of receipt of any firearm seized
5 or surrendered with a description of any firearm
6 seized or surrendered to the respondent and the court.
7 This statement of receipt shall be prima facie
8 evidence of compliance with an order to surrender
9 firearms.

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

19 (D) 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
4 over to a third party who is lawfully eligible to
5 possess firearms, and who does not reside with
6 respondent.

7 (14.6) Prohibition of firearm possession; emergency
8 orders. Prohibit a respondent against whom an order of
9 protection was issued from possessing any firearms during
10 the duration of the order as set forth in paragraph (14.5)
11 if the prerequisites in subsection (b) of Section
12 112A-17.5 are satisfied.

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 15. The Illinois Domestic Violence Act of 1986 is
6 amended by changing Section 214 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 (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 abusing the
20 petitioner as defined in this Act ~~harassing,~~
21 ~~stalking, or threatening an intimate partner of~~
22 ~~such person or child of such intimate partner or~~
23 ~~person, or engaging in other conduct that would~~
24 ~~place an intimate partner in reasonable fear of~~
25 ~~bodily injury to the partner or child; and~~

26 (3) (i) includes a finding that such person

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

8 (a-1) Except as provided in subparagraph (b), any
9 ~~Any~~ Firearm Owner's Identification Card in the
10 possession of the respondent, ~~except as provided in~~
11 ~~subsection (b),~~ shall be ordered by the court to be
12 turned over to the local law enforcement agency and
13 the respondent shall be prohibited from acquiring or
14 possessing any firearms for the duration of the order
15 of protection. The local law enforcement agency shall
16 immediately mail the card to the Illinois State Police
17 Firearm Owner's Identification Card Office for
18 safekeeping.

19 (a-2) Immediately upon entry of the order of
20 protection prohibiting firearm possession under this
21 Section, the ~~The~~ court shall issue a warrant for
22 seizure of any firearm in the possession of the
23 respondent, to be kept by the local law enforcement
24 agency for safekeeping, except as provided in
25 subparagraph ~~subsection~~ (b). The petitioner's general
26 description of the firearm or firearms and their

1 location shall be sufficient to support issuing a
2 warrant. The period of safekeeping shall be for the
3 duration of the order of protection.

4 (a-3) Notwithstanding the issuance of a warrant
5 under subparagraph (a-2), the respondent shall be
6 ordered to immediately surrender any firearms to the
7 appropriate law enforcement agency and prohibited from
8 transferring firearms to another individual in lieu of
9 surrender to law enforcement.

10 (a-4) The relevant law enforcement agency shall
11 provide a statement of receipt of any firearm seized
12 or surrendered with a description of any firearm
13 seized or surrendered to the respondent and the court.
14 This statement of receipt shall be prima facie
15 evidence of compliance with an order to surrender
16 firearms.

17 (a-5) The firearm or firearms and Firearm Owner's
18 Identification Card, if unexpired, shall at the
19 respondent's request, be returned to the respondent at
20 the end of the order of protection. It is the
21 respondent's responsibility to notify the Illinois
22 State Police Firearm Owner's Identification Card
23 Office of the end of the order of protection.

24 (b) If the respondent is a peace officer as
25 defined in Section 2-13 of the Criminal Code of 2012,
26 the court shall order that any firearms used by the

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

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

21 (14.6) Prohibition of firearm possession; emergency
22 orders. Prohibit a respondent against whom an order of
23 protection was issued from possessing any firearms during
24 the duration of the order as set forth in paragraph (14.5)
25 if the prerequisites in subsection (a) of Section 217 are
26 satisfied.

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

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

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

26 (18) Telephone services.

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

19 (i) The name and billing telephone number of
20 the account holder including the name of the
21 wireless telephone service provider that serves
22 the account.

23 (ii) Each telephone number that will be
24 transferred.

25 (iii) A statement that the provider transfers
26 to the petitioner all financial responsibility for

1 and right to the use of any telephone number
2 transferred under this paragraph.

3 (B) A wireless telephone service provider shall
4 terminate the respondent's use of, and shall transfer
5 to the petitioner use of, the telephone number or
6 numbers indicated in subparagraph (A) of this
7 paragraph unless it notifies the petitioner, within 72
8 hours after it receives the order, that one of the
9 following applies:

10 (i) The account holder named in the order has
11 terminated the account.

12 (ii) A difference in network technology would
13 prevent or impair the functionality of a device on
14 a network if the transfer occurs.

15 (iii) The transfer would cause a geographic or
16 other limitation on network or service provision
17 to the petitioner.

18 (iv) Another technological or operational
19 issue would prevent or impair the use of the
20 telephone number if the transfer occurs.

21 (C) The petitioner assumes all financial
22 responsibility for and right to the use of any
23 telephone number transferred under this paragraph. In
24 this paragraph, "financial responsibility" includes
25 monthly service costs and costs associated with any
26 mobile device associated with the number.

1 (D) A wireless telephone service provider may
2 apply to the petitioner its routine and customary
3 requirements for establishing an account or
4 transferring a number, including requiring the
5 petitioner to provide proof of identification,
6 financial information, and customer preferences.

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

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

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

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
11 of petitioner's or respondent's family or household;
12 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (2) Respondent was voluntarily intoxicated;

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

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

26 (5) Petitioner left the residence or household to

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

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

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

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