

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

_____ Petitioner		Case No. _____
v.		
_____ Respondent		

EMERGENCY FIREARMS RESTRAINING ORDER

Petitioner's Address: _____
Street Address City State Zip

Respondent's Address: _____
Street Address City State Zip

After reviewing the Petition and hearing the evidence and testimony of the Petitioner, the Court makes findings which: are stated following this order were made orally and videotaped or recorded by a court reporter.

The Court, finding probable cause that the Respondent poses an immediate and present danger of causing personal injury to themselves or another by having in their custody or control, purchasing, possessing or receiving a firearm, ammunition, or firearm parts that could be assembled to make an operable firearm, orders the following:

1. The Respondent shall refrain from having in their custody or control, purchasing, possessing, or receiving additional firearms, ammunition, or firearm parts that could be assembled to make an operable firearm for the duration of this order; AND
2. The Respondent shall turn over to _____
A local law enforcement agency
any Firearm Owner's Identification Card (FOID) and concealed carry license in their possession.

Furthermore, the Court shall separately issue a search warrant directing a law enforcement agency to seize the Respondent's firearms, ammunition, or firearm parts that could be assembled to make an operable firearm.

Additionally, the Court may direct a law enforcement agency to:

search the Respondent's residence and other places where they are likely to possess the firearms, ammunition, or firearm parts that could be assembled to make an operable firearm.

NOTICE TO RESPONDENT: This order shall be in effect for up to 14 days. If you do not appear at the next court date, a default Plenary Firearms Restraining Order, in effect for 6 months up to 1 year, may be entered against you in which your firearms, ammunition, or firearm parts that could be assembled to make an operable firearm must be surrendered or taken.

NEXT COURT DATE: _____ at _____ AM PM

LOCATION: _____

THIS ORDER EXPIRES ON DATE: _____ at _____ AM PM

ENTERED: /s/ _____ Date: _____
Judge Judge's No.

Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois
cookcountyclerkofcourt.org

Notices

TO RESPONDENT

If you knowingly violate this Firearms Restraining Order you are guilty of a Class A misdemeanor. Prosecution for a violation of a Firearms Restraining order shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the Firearms Restraining Order.

TO PETITIONER AND RESPONDENT

This order lasts up to 14 days, when there will be another court date. The Respondent will be notified that this order exists and will have the right to have a hearing at the next court date to decide if a Plenary Firearms Restraining Order, that will last from six months to up to one year, will be entered.

At the hearing for a Plenary Firearms Restraining Order, the **Petitioner must prove, by clear and convincing evidence**, that the Respondent poses a significant danger of personal injury to themselves, or another in the near future by having in their custody or control, purchasing, possessing, or receiving a firearm, ammunition, or firearm parts that could be assembled to make an operable firearm. The court will consider evidence of the facts identified in the petition and any other evidence of an increased risk for violence.

TO LAW ENFORCEMENT

Section 35 (g)(2) The Respondent (is ordered) to turn over to the local law enforcement agency any Firearm Owner’s Identification Card and concealed carry license in their possession. The local law enforcement agency shall immediately mail the card and concealed carry license to the Department of State Police Firearm Services Bureau for safekeeping. The firearm or firearms, ammunition, and firearm parts that could be assembled to make an operable firearm and Firearm Owner’s Identification Card and concealed carry license, if unexpired, shall be returned to the Respondent after the firearms restraining order is terminated or expired.

Section 35 (h) Except as otherwise provided in subsection (h-5) of this Section, upon expiration of the period of safekeeping, if the firearms, ammunition, and firearm parts that could be assembled to make an operable firearm or Firearm Owner’s Identification Card and concealed carry license cannot be returned to Respondent because Respondent cannot be located, fails to respond to requests to retrieve the firearms, or is not lawfully eligible to possess a firearm, ammunition, or firearm parts that could be assembled to make an operable firearm, upon petition from the local law enforcement agency, the court may order the local law enforcement agency to destroy the firearms, ammunition, or firearm parts that could be assembled to make an operable firearm, use the firearms, ammunition, or firearm parts that could be assembled to make an operable firearm, for training purposes, or use the firearms, ammunition, or firearm parts that could be assembled to make an operable firearm for any other application as deemed appropriate by the local law enforcement agency.

Notices

TO RESPONDENT**MORE INFORMATION ON SURRENDERING AND RETRIEVING YOUR FIREARMS**

Section 35 (h-5) A Respondent whose Firearm Owner's Identification Card has been revoked or suspended, may petition the court, if the Petitioner is present in court or has notice of the Respondent's petition, to transfer the Respondent's firearm, ammunition, and firearm parts that could be assembled to make an operable firearm to a person who is lawfully able to possess the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm if the person does not reside at the same address as the Respondent. Notice of the petition shall be served upon the person protected by the Emergency Firearms Restraining Order. While the order is in effect, the transferee who receives Respondent's firearms, ammunition, and firearm parts that could be assembled to make an operable firearm, must swear or affirm by affidavit that they shall not transfer the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm to the Respondent or to any one residing in the same residence as the Respondent.

Section 35 (h-6) If a person other than the Respondent claims title to any firearms, ammunition, and firearm parts that could be assembled to make an operable firearm, surrendered under this Section, they may petition the court, if the Petitioner is present in court or has notice of the petition, to have the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm, returned to them. If the court determines that person to be the lawful owner of the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm, the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm, shall be returned to them, provided that:

1. the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm, is removed from the Respondent's custody, control, or possession and the lawful owner agrees to store the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm, in a manner such that the Respondent does not have access to or control of the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm,; and
2. the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm, is not otherwise unlawfully possessed by the owner.

The person petitioning for the return of their firearm, ammunition, and firearm parts that could be assembled to make an operable firearm must swear or affirm by affidavit that they:

1. are the lawful owner of the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm,
2. shall not transfer the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm, to the Respondent
3. will store the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm, in a manner that the Respondent does not have access to or control of the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm.