

## Firearms and Orders of Protection

If you are asking the court for an Order of Protection, you can also ask the judge for “firearms relief” in Section 14.5 of your petition.

Before you ask for this, it’s important to understand what firearms relief means so you can decide what’s safest and best for you.

### What is firearms relief?

There are two types of firearms relief a judge can order:

1. **Surrender of Firearms**

The judge can order the Respondent to give up any firearms, firearm parts, and their Firearm Owner’s Identification (FOID) card to law enforcement.

2. **Search Warrant**

The judge can allow law enforcement to enter and search a place—like a home, vehicle, garage, or storage unit—to take firearms, firearm parts, or the FOID card.

### How It Works

Surrender Order	Search Warrant
<ul style="list-style-type: none"><li>● The judge may issue just a surrender order or both a surrender order and a search warrant.</li><li>● The Respondent must give any firearms they have with them to law enforcement when served.</li><li>● The Respondent has 24 hours after being served to give law enforcement any firearms stored elsewhere.</li><li>● Law enforcement will report back to the court about what is surrendered.</li></ul>	<ul style="list-style-type: none"><li>● If the judge issues a search warrant, they will also issue a surrender order.</li><li>● It may take law enforcement up to 10 days to carry out the search.</li><li>● You will be notified if anything changes with the warrant.</li><li>● Law enforcement can only take firearms found in the location listed in the warrant.</li><li>● You will be asked to fill out an information sheet to help with the search. This sheet is not confidential.</li><li>● Law enforcement must report to the court anything taken during the search.</li></ul>

**Note:** If you are asking for a **criminal** Order of Protection, only law enforcement or the State’s Attorney’s Office can request a search warrant. You can talk to the police department handling your case or ask the State’s Attorney for help.

### Need More Help?

If you're not sure whether to ask for firearms relief, or if you want help finding a shelter or talking to a domestic violence advocate, **call the Illinois Domestic Violence Hotline at 877-863-6338**. Help is free and confidential.

## **Frequently Asked Questions: Firearms and Orders of Protection**

### **Do I have to ask for firearms to be taken away from the Respondent?**

No. It's your choice. You can ask for a search warrant or surrender of firearms. If asking for a search warrant or surrender of firearms doesn't feel safe or right for you, you don't have to include it in your petition.

### **What do I need to ask for a search warrant?**

You'll need to give specific information about why the Respondent having firearms is a threat to you. You'll also need to describe where the firearms are kept (such as the address, or a description of the vehicle). If a search warrant is granted, you will provide more details to law enforcement to help them carry it out.

The judge will need to know:

1. Does the Respondent pose a credible threat to your physical safety?
2. Does the Respondent have firearms or firearm parts that could be assembled to make an operable firearm in their possession?
3. Where are those firearms or firearm parts located?

### **What happens if the police find something illegal during a search?**

If police see something illegal, they can take action, including arresting the person who owns the illegal items.

### **What if the firearms aren't legally owned by the Respondent?**

The judge can still order the firearms to be taken. However, the Respondent—or whoever owns them—could face criminal charges.

### **Will the Order of Protection and the search warrant be served at the same time?**

Not always. Law enforcement is encouraged to serve both at the same time if possible, but it may not happen that way.

### **Will the Respondent know there's a search warrant?**

Maybe. The Respondent might find out when they are served with the Order of Protection. **If you're concerned that the Respondent finding out about the warrant could impact your safety, you can call the Illinois Domestic Violence Hotline at 877-863-6338 for support and resources.**

### **Can firearms be given to someone else instead of the police?**

No, unless the judge allows it. If the judge orders the surrender of firearms, the Respondent must give their firearms to the police. Later, the judge may allow the firearms to be transferred to someone else. If that happens, you'll be told and given a chance to share any concerns with the court.

### **Will the Respondent get the firearms back?**

Possibly. When the Order of Protection ends, the Respondent can request their firearms back—if they have a valid FOID card.