

SPEAK FOR SAFETY

ILLINOIS

Illinois' Firearms Restraining Order

ATTORNEYS CAN SPEAK FOR SAFETY

"My grandpa has struggled with depression since he was a young man in the military. My grandma is worried because he recently told her that she would be better off without him. I know he has many guns in his home. I'm worried he might try to hurt himself—what can I do?"

"One of my clients is a 91-year-old man who is showing signs of dementia. He lives alone with no family nearby and I know that he keeps two loaded guns in his home. Because of his increasingly impaired judgment I am very worried that a dangerous accident could happen."

A NEW LAW CAN HELP!

Illinois' Firearms Restraining Order (FRO) gives law enforcement officers and family members a way to prevent gun violence through an expedient and civil process. If there is a strong likelihood that someone is at risk of harming themselves or others, a family member* or law enforcement** may petition the local Circuit Court for a FRO that can last from 14 days up to six months.

***Includes spouse, parent, grandparent, child, or step-child of the respondent, or a person who shares a common dwelling with the respondent. See relationship code on FRO petition form for all eligible relationship statuses 1.**

****Includes sheriff's departments, police departments, and other law enforcement agencies.**

As an attorney, you have an opportunity to advise or assist a client in obtaining a FRO. A client may obtain a FRO for a loved one they are concerned about by filling out a petition and any other necessary paperwork. A client may contact their local sheriff or police department about a dangerous situation and mention the FRO.

WHO CAN REQUEST A FRO AND HOW DO YOU GET ONE?

Family members* and law enforcement officers can file a petition to obtain a FRO with the Circuit Court in which the person to be restrained resides. If you're a professional working with veterans, you cannot petition directly for a FRO. However, if a client has risk factors such as an emotional crisis or dementia and is demonstrating signs of being dangerous such as suicidal ideation, aggression, public threats of violence, or is exhibiting other dangerous behaviors, you may consider contacting your local sheriff or police department, or advising a client's family member about the FRO. Educating veterans and families about the FRO can help reduce the potential for danger when a gun is present in the home of someone who is at risk of harming themselves or others.

**Includes spouse, parent, grandparent, child, or step-child of the respondent, or a person who shares a common dwelling with the respondent (roommates). See relationship code on FRO petition form¹ for all eligible relationship statuses.*

¹ <http://champaigncircuitclerk.org/wp-content/uploads/2019/01/Approved-FRO-Petition-01-18-19.pdf>

A CIVIL ACTION

The FRO is a civil procedure, not a criminal one. The goal is to ensure safety and allow the subject of the FRO an opportunity to heal or stabilize. However, if the order is violated, the subject may be charged with a misdemeanor crime. Only when the order expires or is terminated may firearms and Firearm Owner Identification Card be returned to the restrained person.

IMPORTANT FACTS ABOUT ILLINOIS' FRO

- You can contact law enforcement directly for support. In cases in which a potential petitioner does not live near the respondent, you can contact law enforcement in the community the respondent lives in to inform them of the situation, and request they file a FRO. Law enforcement will then decide whether to petition for a FRO.
- There are no court and filing fees for petitioning for a FRO. This includes fees associated with having law enforcement serve a FRO.
- Circuit Court clerks are required to provide support to petitioners in the filing process, and petitioners are also able to access the local state's attorney's office for further help.

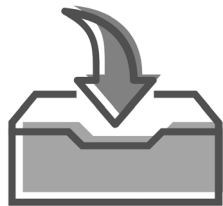
DID YOU KNOW?

- In 2017, there were 577 firearm-related suicides in Illinois.²
- Nearly 4 out every 10 gun deaths in Illinois are suicides.²
- A recent study examined the results of a similar law in Connecticut and estimated that for every 10 to 20 orders removing firearms issued, at least one suicide was prevented.

HOW CAN I SPREAD THE WORD ABOUT THE FRO TO SPEAK FOR SAFETY?



Contact your local Circuit Court office and ask if they have heard of the FRO.



Download our resources Illinois.SpeakForSafety.org.



Work within your agency or organization to ensure that your colleague know about the FRO as a tool to prevent gun violence

² <https://wonder.cdc.gov/ucd-icd10.html>