

SPEAK FOR SAFETY

ILLINOIS

Illinois' Firearms Restraining Order

CAREGIVERS OF THE ELDERLY CAN SPEAK FOR SAFETY

"A client, with many guns in the home, has been seen brandishing a weapon on his porch and shooting at animals in his yard, sometimes while drinking alcohol. I spoke to his family, and they asked me about options they can take to ensure his safety and the safety of others."

"One of my clients is a 91-year-old man showing signs of dementia. Because he lives alone with no family nearby I serve as his companion all day and evening. I know that he keeps two loaded guns in his home, and I am worried that he might hurt someone or himself. The family and I have been unable to get him to allow us to remove the guns. What can I do?"

A NEW LAW CAN HELP!

Illinois' Firearms Restraining Order (FRO) is a law that allows family members and law enforcement officers to obtain a court order to prevent an at-risk person from accessing firearms, and temporarily prohibits that person from purchasing or obtaining any new firearms. The firearm removal can last from 14 days to six months depending on the type of order. Orders can be renewed before it expires if the danger still exists.

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 are a non-family caregiver or home visitor, 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 thoughts, aggression, public threats of violence, or is exhibiting other dangerous behaviors, you may consider speaking with the client's family member about the FRO. In cases of emergency, an emergency FRO can be issued the same day.

***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.**

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

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

- All filing fees for petitioning for or responding to a FRO have been eliminated, as are fees associated with serving FROs.
- 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.
- You can contact law enforcement directly for support. If necessary, they can file for an Emergency FRO right away. (press 1) for advice or help at any time of day or night, regardless of whether they are in crisis, suicidal, or not.

DID YOU KNOW?

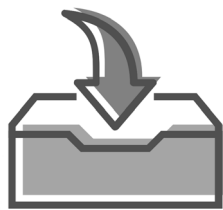
- In 2017, there were 577 firearm-related suicides in Illinois.***
- One out of every three suicides in Illinois involve guns.***
- A recent study examined the results of a similar law in Connecticut and estimated that for every 10 to 20 orders removing firearms issued, at least one suicide was prevented.

***Source: CDC WONDER <https://wonder.cdc.gov/ucd-icd10.html>

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

Disclaimer: This document does not provide legal advice and information is intended for general informational purposes only. If you need legal advice, please contact an attorney directly.