

SPEAK FOR SAFETY

ILLINOIS

Illinois' Firearms Restraining Orders (FRO) vs. Orders of Protection (OP)

What is a Firearms Restraining Order (FRO)?

A Firearms Restraining Order (FRO) (also known as an Extreme Risk Protection Order or "Red-Flag Law") is a civil order that temporarily prohibits individuals at risk of harming themselves or others from purchasing or possessing firearms. Illinois is one of 18 states and the District of Columbia that have these types of laws, which were developed using the long-standing framework of Orders of Protection.

What are Orders of Protection (OPs)?

Orders of Protection give survivors of domestic violence a mechanism to protect themselves from further abuse. In Illinois, OPs can offer protections such as no-contact provisions, stay-away orders, required counseling provisions, and removal of and prohibiting access to firearms.

How are FROs and OPs different?

PETITIONERS

FRO:

Family members (people related by blood or present marriage), household members (roommates), and law enforcement, can petition for FROs. For a full list of who can petition for a FRO, visit: [Illinois Legal Aid Online](#).

OP:

Family & household members is more broadly defined for OPs, and includes: family related by blood or present/past marriage, people who share a child together, household members (including former roommates), and more. Law enforcement may not petition directly for an OP. For a full list of who can petition for an OP, visit: [Illinois Legal Aid Online](#).

THE INDIVIDUALS PROTECTED

FRO:

Protect the petitioner, the respondent, (including those at risk for suicide) and potentially third parties. FROs remove firearms from someone who is demonstrating harmful behavior.

OP:

Protect the petitioner -and any other named third parties.

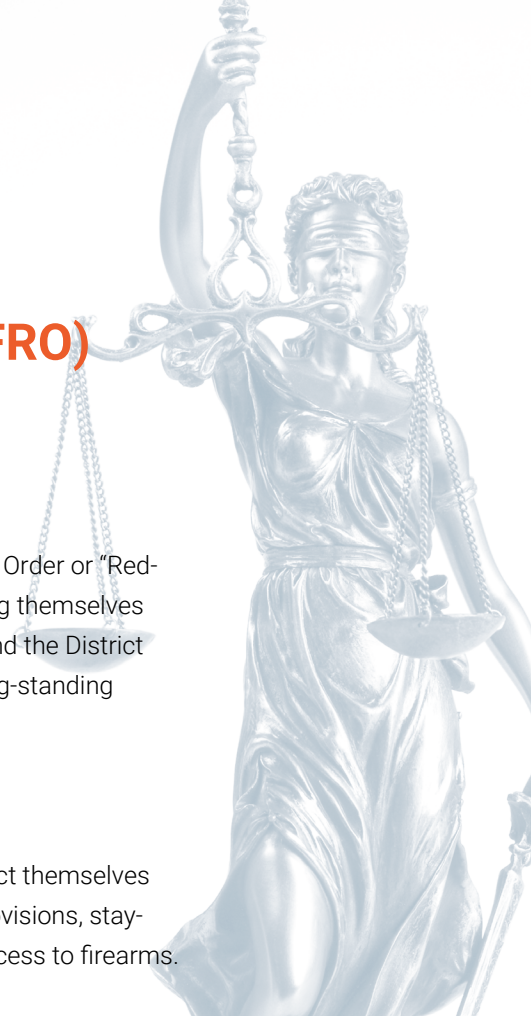
THE PROTECTIONS OFFERED

FRO:

Offers one type of protection - they only address access to legal firearms for an individual with elevated risk of harm.

OP:

Can offer multiple types of protections through provisions, including no contact provisions, stay away provisions, care of child provisions, move out provisions, counseling provisions, and firearms provisions



Who can petition

Who can petition	OP	FRO
Related by blood	X	X
Present marriage	X	X
Prior marriage	X	
Shares a common dwelling	X	X
Formerly shared a common dwelling	X	
Child in common	X	
Step-child	X	X
Have or had a dating relationship	X	
Persons with a disability against a personal assistant	X	
Law enforcement officer		X

Available remedies*	OP	FRO
Remove/prohibit firearms*	X	X
Exclusive possession of the residence	X	
Stay away from specific locations (ex: school; work; daycare)	X	
Physical care of child(ren)/prohibit child abduction	X	
Provide support/expenses related to abuse	X	
Possession of personal property/prohibition of destroying property	X	
Order respondent to obtain counseling	X	
Persons with a disability against a personal assistant	X	
Law enforcement officer	X	

Expungement	OP	FRO
Petition denied		X
3 years after order expires		X

Where a petition can be filed	OP	FRO
County where petitioner lives	X	
County where petitioner is seeking safety	X	
County where respondent lives	X	X
County where abuse occurred	X	

Filing Venue	OP	FRO
Civil court	X	X
Criminal court	X	
Juvenile court	X	

Has COVID-19 changed the court process to petition for these Orders?

Courts across the state have had to adjust their hearing processes because of COVID-19. FROs and OPs are likely going to be treated as essential matters, but please confirm that with your court, which you can do here: [COVID-19 Information and Updates](#).

Notes:

- *Per the Illinois Domestic Violence Act (IDVA), firearms can only be removed/prohibited through an OP once the Respondent has received actual notice and had an opportunity to participate in the hearing.
- There are no fees for filing either an OP or a FRO.