

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

_____ Petitioner v. _____ Respondent	Case No. _____
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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 a significant danger of causing personal injury to him/herself or another in the near future by having firearms, orders the following:

1. The Respondent shall refrain from having custody or control, purchasing, possessing, or receiving additional firearms for the duration of this order.

AND

The Respondent shall turn over to _____
A local law enforcement agency
any Firearm Owner's Identification Card and concealed carry license in his or her possession.

2. There is probable cause that the Respondent possesses firearms, therefore a search warrant to seize the Respondent's firearms shall issue separately.

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 6 month Firearms Restraining Order may be entered against you in which your firearms must be surrendered or taken.

NEXT COURT DATE: _____ at _____ AM PM

LOCATION: _____

THIS ORDER EXPIRES ON DATE: _____ at _____ AM PM

ENTERED: _____ 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	<p>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 Six Month Firearms Restraining Order will be entered.</p> <p>At the hearing for a Six Month Firearms Restraining Order, the Petitioner must prove, by clear and convincing evidence, that the Respondent poses a significant danger of personal injury to him/herself, or another by having in his/her custody or control, purchasing, possessing, or receiving a firearm. The court will consider evidence of the facts identified in the petition and any other evidence of an increased risk for violence.</p>
TO LAW ENFORCEMENT	<p>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 his or her 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 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.</p> <p>Section 35 (h) Except as otherwise provided in subsection (h-5) of this Section, upon expiration of the period of safekeeping, if the firearms 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, upon petition from the local law enforcement agency, the court may order the local law enforcement agency to destroy the firearms, use the firearms for training purposes, or for any other application as deemed appropriate by the local law enforcement agency.</p>

Notices	
TO RESPONDENT	<p>MORE INFORMATION ON SURRENDERING AND RETRIEVING YOUR FIREARMS</p> <p>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 petition, to transfer the Respondent’s firearm to a person who is lawfully able to possess the 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 Firearms Restraining Order. While the order is in effect, the transferee who receives Respondent’s firearms must swear or affirm by affidavit that he or she shall not transfer the firearm to the Respondent or to any one residing in the same residence as the Respondent.</p> <p>Section 35 (h-6) If a person other than the Respondent claims title to any firearms surrendered under this Section, he or she may petition the court, if the Petitioner is present in court or has notice of the petition, to have the firearm returned to him or her. If the court determines that person to be the lawful owner of the firearm, the firearm shall be returned to him or her, provided that:</p> <ol style="list-style-type: none"> 1. the firearm is removed from the respondent’s custody, control, or possession and the lawful owner agrees to store the firearm in a manner such that the Respondent does not have access to or control of the firearm; and 2. the firearm is not otherwise unlawfully possessed by the owner. <p>The person petitioning for the return of his or her firearm must swear or affirm by affidavit that he or she:</p> <ol style="list-style-type: none"> 1. is the lawful owner of the firearm 2. shall not transfer the firearm to the Respondent 3. will store the firearm in a manner that the Respondent does not have access to or control of the firearm.

FINDINGS FOR FIREARMS RESTRAINING ORDER

Petitioner is in court.

Venue is proper. Respondent resides in Cook County or is a non-resident with limited contact with Illinois.

Respondent has has not received notice of Petitioner's request for a Firearms Restraining Order

Respondent is is not in court. Respondent's attorney is in court

For Emergency Order:

There is probable cause to believe that the Respondent poses an immediate and present danger of causing personal injury to him/herself or another by having in his or her custody or control, purchasing, possessing, or receiving a firearm.

OR

For Six Month Order

There is clear and convincing evidence to issue a 6 Month Firearms Restraining Order.

No evidence was presented to show that the intimate partners of the Respondent are in danger.

There is evidence that the intimate partners of the Respondent may be in danger and;

Petitioner has notified them of the request for this order.

Petitioner has not notified them of the request for this order but a good faith effort to provide notice has been made.

There is no probable cause to believe that the Respondent possesses firearms.

There is probable cause to believe that the Respondent possesses firearms.