

## **What is a Firearms Restraining Order (FRO)?**

A FRO is a court order that temporarily prohibits someone who is at risk of hurting themselves or others from possessing or purchasing any firearms.

## **How does a FRO help people in crisis stay safe?**

It is common for family to be the first to know when loved ones are in crisis. A FRO offers family members, household members, and law enforcement a judicial pathway for temporarily removing firearms and prohibiting future gun purchases. While an FRO is in effect, an individual in crisis can safely access help and care that could stop a violent situation from occurring.

## **How does a FRO work?**

A family member, roommate or law enforcement officer can request that a Circuit Court issue a FRO based on the facts presented in the application and at a hearing before a judge. An Emergency FRO can be filed for, issued, and served on the same day. It can last up to 14 days and is followed by a full hearing which can result in a Six-Month FRO.

After the petition is filed, a judge considers the information presented and assesses whether the person is at risk of harming themselves or someone else. If a FRO is issued, the court will issue a search warrant directing law enforcement to seize the firearms of the person in crisis. Additionally, the person at risk will be prohibited from purchasing, possessing, or receiving a firearm for the duration of the order. The person at risk is also required to turn their FOID Card and concealed carry license. Note, if applicable, the petitioner must make an effort to notify an intimate partner of the respondent if they are a target of respondent when a FRO is filed.

## **What can a FRO do?**

A FRO is a court order that:

- Issues a search warrant directing law enforcement to seize the respondent's firearms;
- Orders the person in crisis to turn over their FOID card and concealed carry license; and
- Prohibits the person in crisis from purchasing/obtaining any guns for the duration of the order.

*\*If the person at risk violates the order, call the police. They can be arrested/charged with a misdemeanor crime.*

A FRO does NOT:

- Require the surrender of other weapons, such as knives; or
- Protect the petitioner in other ways, such as keeping the person from coming near the petitioner. For personal protection from a family or household member, go [here](#) for more information.

## **Who can petition for a Firearms Restraining Order?**

- Family of the person in crisis including spouse, ex-spouse, parents, children, step-children, siblings, any person related by blood/marriage, or a person who has a child in common with the person in crisis.
- A person sharing a common dwelling with respondent (roommates).
- Law enforcement officers \*

*\*If a person you know is at risk of harming themselves or others with a firearm, but you do not fit into the descriptions above, then you can inform local law enforcement.*

### **What is the difference between an Emergency FRO and a Six-Month FRO?**

An **Emergency FRO** can be filed for, issued, and served on the same day. It can last up to 14 days and is followed by a full hearing which can result in a **Six-Month FRO** which is a FRO that lasts for six months. At the hearing, both the person in crisis and petitioner are given the opportunity to be heard. The petitioner must prove that the person in crisis poses a significant danger of personal injury to themselves or another.

Note that family, household members, or law enforcement can choose to skip the emergency FRO process and petition directly for a six-month FRO. Further, a petitioner who obtains a 14-day emergency FRO is not required to proceed with the six-month FRO process if the danger is no longer present.

### **Can the respondent of the petition contest the FRO?**

If the person in crisis disagrees with the order, they will have the opportunity to state their case at the hearing scheduled by the Court. If the Court sides with the petitioner and grants the FRO, respondents are permitted one written request during the effective period of the order for a hearing to terminate the order. If this hearing is granted, the respondent must attend it, and prove they are no longer a danger to themselves and the community.

### **How does a person get their firearms back?**

If the FRO is terminated or expired, the firearms removed and FOID Card and concealed carry license shall be returned to the respondent. If the firearms, FOID Card, or concealed carry license cannot be returned to the respondent, 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.

### **Will there be a filing fee or a court fee?**

No. There are no court and filing fees for petitioning for an FRO.

### **Can a FRO be renewed?**

You may request to renew a Six-Month FRO within the three months before the expiration of the original Six-Month FRO. A FRO may not be renewed after its expiration. The petitioner shall bear the same burden of proof and the judge will use the same criteria as when deciding the initial Six-Month order to determine if an FRO is still necessary.

### **What if the person requesting the order is under the age of 18?**

The State of Illinois has not specified whether a minor can petition for a FRO and has suggested that this is a matter to be decided by judges in individual cases.

### **How can a FRO be served?**

All types of Firearms Restraining Orders (FROs) can be served by a sheriff, or other local law enforcement agency (as required by [Illinois law](#)).

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