

## HOW LONG DO FROs LAST?

There are two types of FROs: 1) an emergency FRO that immediately addresses a crisis and lasts up to 14 days, and 2) a plenary FRO that provides longer-term protection, but only after there has been a full court hearing.

## CAN FROs BE TERMINATED?

Yes. An FRO can be terminated. The respondent is allowed one opportunity to ask the court to terminate the FRO before it expires (either before the 14-day or plenary period). The respondent must prove to the court by a “preponderance of the evidence” that he or she does not pose a danger to end the FRO.

## CAN FROs BE RENEWED?

Yes. A court can renew an FRO. A petitioner may file a written request for an extension of an FRO during the final three months before the order is scheduled to expire. Before the judge will extend an FRO, the court will hold another full hearing where the petitioner again must prove by “clear and convincing evidence” that the respondent continues to pose a danger.

## HOW CAN I GET HELP WITH THIS PROCESS?

A petition for a firearm restraining order may be filed in any county where the respondent resides or any county where an incident occurred that involved the respondent posing a threat. The clerk in the court where you ask for an FRO can assist you with writing and filing a petition. Make sure also to report immediate safety threats to local law enforcement.



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# **The Firearms Restraining Order**



## WHAT IS A FIREARMS RESTRAINING ORDER?

A Firearms Restraining Order (or “FRO”) is a civil court order that temporarily prohibits a person from possessing or buying firearms, ammunition, and firearm parts that could be assembled to make an operable firearm when that person poses an immediate danger to themselves or others. A Firearms Restraining Order is obtained through a formal legal process during which a petitioner asks a court to issue an FRO.

## WHEN ARE FROs NEEDED?

The purpose of a Firearms Restraining Order is to prevent individuals who pose an elevated risk of endangering themselves or others from accessing guns before they harm themselves or others. Before many shootings, family members of the shooter have observed dangerous behaviors or have grown concerned about their risk of harming themselves or others. Family and household members are often the first to know when someone is in crisis or poses a harm. A Firearms Restraining Order is a way for family or household members or law enforcement to ask a court to restrict a person’s access to guns to prevent the commission of gun violence.

## WHO CAN PETITION FOR AN FRO?

### ***FAMILIES & HOUSEHOLD MEMBERS:***

If you believe that a family or household member may harm themselves or others by having a firearm, petitioning for an FRO can be an important step to reduce the risk. When petitioning for an FRO, a family member is defined as: a spouse, former spouse, person with whom the respondent has a minor child in common, parent, child, step-child, any other person related by blood or marriage, or a person who shares a common dwelling. You should also immediately contact local law enforcement to report the situation.

### ***LAW ENFORCEMENT:***

Law enforcement officers can identify individuals who pose a threat of harm by having access to firearms. Obtaining an FRO can be a proactive way to prevent violence if law enforcement officers encounter someone demonstrating that they pose a risk to themselves or others.

## HOW DOES A FIREARMS RESTRAINING ORDER WORK?

A family or household member or law enforcement can ask, or “petition,” an Illinois circuit court for an order to temporarily limit firearm access for a “respondent,” the individual who poses a danger of injury. After an initial hearing based on evidence in the petition, a judge may issue an emergency FRO immediately. The judge then will hold a full hearing to decide whether to end the emergency FRO or whether to issue a plenary FRO. There are two stages in the process for obtaining an FRO:

***Stage 1:*** Law enforcement or a family or household member fills out a petition explaining how the respondent’s access to firearms poses an immediate and present danger of causing injury to themselves or others. The petition is then filed at the court in any county where the respondent resides. The petitioner does not have to notify the respondent about filing the petition. However, the petitioner must make an effort to notify an intimate partner of the respondent if the intimate partner is a target.

The court will hold an emergency hearing the next day it is in session. The judge will issue an emergency FRO if they find probable cause to believe the respondent poses an immediate and present danger of causing injury. If an emergency FRO is issued, a full hearing is scheduled as soon as possible so the respondent can be heard, and the full hearing must be held within 14 days. During the short period of time before a full hearing can

be held, the emergency FRO ensures that the respondent is prohibited from purchasing or possessing a firearm.

***Stage 2:*** At the full hearing, the judge considers whether to end the emergency FRO or whether to change it into a plenary FRO. At the hearing, the petitioner must show “by clear and convincing evidence” that the respondent creates “a significant danger” of injury to themselves or others by having access to firearms. A petitioner is required to present evidence to the court. A respondent also has an opportunity to present evidence. If the court decides the respondent presents a significant danger, the court issues an order prohibiting the purchase and possession of firearms for six months up to one year.

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

## WHAT KINDS OF EVIDENCE DOES THE COURT NEED?

The petitioner and respondent can present any evidence they think will be relevant to the court’s decision. Examples of evidence that may help the court include, but are not limited to, facts about the respondent’s:

1. unlawful or reckless use of firearms;
2. history of physical force;
3. prior felony arrests;
4. abuse of controlled substances or alcohol;
5. recent threats or acts of violence;
6. violations of domestic violence protection orders; or
7. pattern of violence.