

Illinois' Firearms Restraining Order: A Vital Tool for Safety

A firearms restraining order is a measure designed to help an individual in crisis, and the people around them, to stay safe from gun violence.

A firearms restraining order, also called an FRO, is a court order that temporarily restricts a person's access to guns when they pose a significant danger to themselves or others. It is designed to help law enforcement and concerned family members intervene quickly in dangerous situations.

FAQs

How do I request a firearms restraining order?

To seek a firearms restraining order, a family or household member can fill out and file the application directly with the court. They can also contact a member of law enforcement to discuss their concerns. Law enforcement can then investigate these concerns and request a firearms restraining order from the court.

Who can request a firearms restraining order in Illinois?

Under Illinois law, a law enforcement officer or a person's family member may file a petition for a firearms restraining order.

A family member is defined as:

- A person related by blood or marriage (including former spouses);
- A person who has a minor child with the respondent; or
- A person who shares a common dwelling.

What happens after the request for a firearms restraining order has been filed?

Once the court receives a request (called a “petition”) for a firearms restraining order, the court will notify the person and schedule a court hearing about whether the order should be issued.

If, at the hearing, a court finds that a person poses a significant danger of injury to themselves or others with a firearm, the judge can issue a court order that requires the person’s firearms to be held by law enforcement for as long as the order is in effect. Under certain circumstances, the person may choose to transfer their guns being held by law enforcement to a third party who is legally allowed to hold them.

Also, the person will not be able to purchase new firearms while the order is in effect.

I’m afraid to wait until a court hearing is scheduled. What if the person is in immediate danger of harming themselves or someone else?

Concern for the safety of the person, or the public, may demand that action be taken before the scheduled hearing date, to prevent immediate danger.

To protect a person or public safety during this time, a judge may issue an emergency firearms restraining order that restricts a person’s access to firearms before the person has been notified of the petition, and before a full hearing is held.

How long does an emergency firearms restraining order last?

In Illinois, emergency orders are called temporary orders and only last until the court hearing on a final firearms restraining order. Because the emergency firearms restraining order only stays in place for a short period of time—up to 14 days—it balances the urgent need for public safety with the due process rights of all involved.

How long does a final firearms restraining order last?

A final firearms restraining order lasts for no less than six months, but no more than one year. At the end of that time period, the person who petitioned for the order may ask the court to renew it. The order can only be extended after a court hearing.

Will a firearms restraining order go on someone’s criminal record?

No. A firearms restraining order is a civil court order. Its sole purpose is to remove firearms from a person who is at high risk of causing harm to themselves or to others. The court’s decision to issue the order does not cause the person to have a criminal record.

What if I am not able to request a firearms restraining order myself? Is there anything I can do?

Even if you don't fall into any of the categories mentioned above, you can still take action in moments of crisis. If you are worried about someone who is showing warning signs of being at risk of self-harm or harming someone else, you can contact a law enforcement officer and ask that they seek a firearms restraining order.

If you or someone you know is in crisis, **text or call 988** for 24/7 connection to free, confidential support. If you have immediate safety concerns, **call 911**.