DOMESTIC VIOLENCE & FIREARMS

Safety Planning Toolkit

A Guide to Survivor Safety Planning Around Firearms
for Advocates and Direct Service Practitioners

the network
Advocating Against Domestic Violence

Acknowledgements

This toolkit has been rewritten from a previous version. If you have questions about the contents of this toolkit, please contact the lead authors below:

Maralea Negron

Director of Policy, Advocacy, and Research

mnegron@the-network.org

Shelby Hoffman Binder

Policy, Advocacy, and Research Manager

shoffman@the-network.org

Sudarshana Rao

Legal Advocacy Coordinator

srao@the-network.org

For questions or updates about Karina's Law, Please contact:

Madeleine Behr, Deputy Director of Policy and Systems Advocacy
mbehr@the-network.org

Table of Contents

Acknowledgments 2
Introduction 4
Legal Options 12
Firearm Safety Planning 38

Introduction

Purpose

A wide range of professionals, including but not limited to domestic violence advocates, caseworkers, shelter staff, legal advocates, social workers, healthcare providers and other direct service professionals routinely work with individuals impacted by domestic gun violence (DGV).

This toolkit offers a holistic, trauma-informed, and evidence-based approach to strengthen survivor-centered safety planning in situations where firearms are a concern. It is tailored to the legal and policy framework of Illinois and integrates an intersectional perspective to help practitioners navigate the complex dynamics between domestic violence and firearms.

This resource is grounded in the belief that compassionate, inclusive, and survivor-centered advocacy can play a vital role in reducing harm and saving lives.

Key Context

To provide the best advocacy and care to those affected by firearm and intimate partner violence (IPV), we must acknowledge key historical and social context about both IPV and firearm access in the United States.

This includes but is not limited to:

- The history of indifference in the law towards violence against women and its treatment as a private, rather than public, matter.
- The layered impact of structural racism on Black survivors and survivors of Color, which often compounds experiences of IPV by restricting access to economic capital, safe housing, and community resources.
- The inaccessibility of law enforcement response to communities of Color who often experience over policing and the criminalization of survival.
- The lack of historical records about LGBTQ+ experiences of IPV and the insufficient response of healthcare and social service systems to victimization in LGBTQ+ communities.[i]

Legal Considerations

The guidance provided in this toolkit is intended for informational and educational purposes only and does not constitute legal advice. While the toolkit offers general information about laws, policies, and best practices related to firearms and safety planning, it is not a substitute for consultation with a qualified attorney.

Advocates and service providers should refer clients to legal professionals for advice specific to their individual circumstances, especially when navigating legal

remedies such as orders of protection, firearm relinquishment, or criminal proceedings.

Key Terms

Gender-Based Violence (GBV)

Gender-based violence is a broad term used to capture any type of violence that is rooted in exploiting unequal power in relationships between genders.

Examples: domestic violence, intimate partner violence, human trafficking, reproductive coercion, stalking, child abuse based on gender, female genital mutilation (FGM), and forced/early marriage.

Domestic Violence (DV)

Domestic violence refers to a pattern of harmful behaviors used by one person to maintain power and control over another within the context of a dating, family or household relationship.

The types of harm that occur in relationships are not always physical; they can also be emotional, psychological, verbal, financial, economic, social, reproductive, spiritual, institutional, and health-based.

Domestic violence is maintained by societal and cultural attitudes, institutions, and laws which are not consistent in naming this violence wrong.

Intimate Partner Violence (IPV)

Intimate partner violence includes any behavior that one intimate partner (current or former) uses to establish power and control over another intimate partner.

This may include physical, sexual violence, financial, emotional, psychological, cultural, spiritual, and reproductive abuse, as well as other forms of controlling behavior.

IPV can occur regardless of whether the individuals involved are or were living together or not.

This distinction is what separates it from the term domestic violence, which generally refers to violence occurring between residents within a single household.

Understanding Abuse

The following section contains some common forms and characteristics of abuse within a relationship. Although the items listed may share similarities across many contexts, these lists are not exhaustive.

Each case is unique to the individuals within the abusive relationship. Factors such as community, culture, norms, and values often influence how abuse is carried out, concealed, or rationalized.

It is important to note that abuse in a relationship may not just be physical, but also emotional, economic, social, sexual, or reproductive.

Common Themes of Abuse:

All of these themes involve manipulation of power and control.

Restricting access can look like:

- Controlling or preventing access to important documents such as birth certificates or passports.
- Denying or controlling access to medical treatment such as the consumption of medication or intervening in access to gender-affirming care.
- Providing inaccurate translations of mail, documents, or conversations.
- Controlling transportation means (refusing access to car keys, damaging car, hiding public transit pass or refusing funds to access public transit, etc.).
- Limiting or dictating what someone can wear.

Coercive control can look like:

- Controlling behavior that creates dependency on the person causing harm by isolating them from support, exploiting them, restricting agency and regulating their everyday behavior.
- Impersonating someone on the phone.
- Posting screenshots of personal conversations to attempt to control the narrative.
- Denying or controlling basic needs, such as food or medication.
- Monitoring social media or forcing someone to share their password or location.
- Using tracking technology, such as an Airtag, to monitor someone's location.

Isolation can look like:

- Preventing another person from talking to or seeing friends or family.
- Intentionally moving to a physically isolated area with no support system.

- Acting out or acting offensively to the person's support system to discourage future contact.

Tactics of Abuse

Firearm Abuse

Committing violence by using firearms, such as handguns, shotguns, or semi-automatic rifles within a domestic or intimate partner relationship. Firearm abuse often intersects with the other forms of abuse listed below.

Examples: Coercing decisions using the threat of firearm harm, pointing a gun at someone (regardless of intent to fire), leaving a firearm in sight to intimidate, pistol-whipping (hitting someone with the gun), shooting the gun at or near someone[ii], threatening to make real or false reports about illegal firearm possession.

Physical Abuse

Causing intentional bodily injury or intentionally altering someone's physical state through drugs/alcohol.

Examples: Hitting, slapping, pinching, shoving, grabbing, biting, burning, strangulation attempts, sleep deprivation, driving recklessly, denying medical care, or forcing the use of alcohol or drugs.

Sexual/Reproductive Abuse

Using the act of sex as a weapon to exert power and control over another. It is characterized by a lack of consent or choice. This can include **reproductive coercion** which refers to a range of behaviors intended to control a person's reproductive choices and actions often involving threats, manipulation, and violence.

Any relationship, no matter the length, requires consent. In instances of a disclosure of sexual abuse from a survivor, it is best to provide a pressure-free environment where the survivor is empowered to freely share the information they are most comfortable with disclosing to avoid a potentially undesired or retraumatizing disclosure.

Sexual/Reproductive Abuse

Examples: Sexual assault or sexual violence, forcing sex after giving birth, manipulating means of birth control, taking and/or distributing sexual images without consent, engaging in any non-consensual sexual behavior, engaging in sexual activity due to fear of firearm related harm.

Verbal and Emotional Abuse
Using words or tone of voice to demean, criticize, hurt, misdirect anger, and manipulate.

Examples: Name-calling, put-downs, yelling, frequently initiating fights, gaslighting to minimize or deny abuse, misgendering by intentionally using someone's incorrect pronouns or other gendered language.

Psychological abuse
Causing fear by intimidation.

Examples: Threatening self-harm or harm to a partner, children, or family; hurting pets; isolation; using social privilege, such as race, ability, or immigration status to demean, intimidation such as threatening to out someone's gender or sexual identity.

Economic Abuse
Making someone financially dependent on their partner by maintaining control over financial resources.

Examples: Damaging credit, withholding access to money, limiting attendance at school or work, sabotaging job opportunities and/or work visa sponsorships. Immigrant survivors may be at higher risk for economic abuse, due to several factors, including:

- Status or lack of access to status documents limiting work eligibility such as a work visa
- Discriminatory hiring practices
- Regulated professions are strictly controlled by state law and require completion of a new professional license. This can be time-consuming and costly.
- Limited English proficiency (LEP)

Stalking [iii]
A pattern of persistent and unwanted behavior directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others causing emotional distress.

Examples: Unwanted phone calls, emails, text messages, voice messages, social media interactions, or gifts, or showing up at someone's home, school, or work unwanted.

Abusing Institutional Power and/or Community Norms
Threats and retaliation leveraging legal, financial, criminal, and cultural institutions, using social and institutional connections to isolate, control, or silence, or

weaponizing social, religious, and/or community norms around gender, race, class, etc. to isolate or control.

Examples: Threatening to report immigrants to immigration authorities or leveraging connections within police department or state's attorney's office to prevent filing charges.

Spiritual Abuse
Using spiritual or religious beliefs to hurt, scare or control.

Examples: Forcing someone or not allowing them to participate in spiritual or religious practices.

Best Practices for Supporting Survivors of Firearm Abuse

Consider integrating the following evidence-based, equity-focused frameworks into your approach:

Trauma Informed Care (TIC):
The goal of trauma-informed care is to recognize the impact of trauma. It emphasizes empathy, safety, and survivor empowerment across all interactions to promote healing while avoiding re-traumatization.

Key principles:

- Understanding that trauma is common and affects people in many ways.
- Creating safe, supportive environments that prevent further harm.
- Empowering survivors by validating their experiences and supporting their choices.
- Examples of trauma-informed responses:
    - "I believe you."
    - "It's not your fault."
    - "You have options."
    - "I'm sorry this happened"

Survivor-Centered Perspective:
A survivor-centered approach places the rights, wishes, needs, safety, dignity, and well-being of the survivor at the core of all response efforts.
This approach requires recognition that the survivor is the expert on their own experience and trusting in their ability to make informed decisions about their safety and healing.

A survivor-centered approach involves proactively seeking feedback, listening without judgment, and engaging with empathy through a trauma-informed lens.

Examples of survivor-centered approaches include being:

- Non-judgmental
- Gender-affirming
- Culturally informed

Confidentiality:

Survivors have a right to confidentiality, and disclosure should be met with respect. Sharing a survivor's information without consent can increase their risk of harm. If you are a mandated reporter, inform the survivor before they disclose so they can make an informed decision about what they share.

If you cannot ensure confidentiality or prioritize their safety, help connect them with someone they trust or a qualified advocate.

When discussing information sharing boundaries with a survivor, consider the following:

- What information is completely confidential?
- What information is okay to share with law enforcement and under what circumstances?
- Who else can you give information to?
- Who should you NOT share details about the safety plan with?

Legal Options

Introduction

Illinois has three primary legal options to remove firearms from a person causing harm. These include an Order of Protection (OP), a Firearm Restraining Order (FRO), or certain criminal convictions. All three avenues explored in this chapter are free to file, unless the survivor chooses to hire a private attorney. This section will discuss these options along with factors, considerations and barriers that may influence a survivor's choice to pursue firearms related relief as part of an order of protection.

Key Terms:

Court Processes:

Order of Protection (OP)

A key tool aimed at protecting an individual, their children, or other household members from a person who may cause them harm. These orders can be issued in civil or criminal court and can grant up to 18 remedies that a survivor requests when petitioning, including removal of firearms for the duration of the order. Orders of protection are tools that are intended to help keep survivors safe and enforced by law enforcement.

Firearm Restraining Order (FRO)

A civil order aimed at keeping a person or community safe from firearm violence threatened by someone experiencing a crisis. The order is focused exclusively on temporary removal of firearms from the person experiencing a crisis.

Parties in a Proceeding:

Petitioner

A person requesting an order of protection or firearm restraining order in civil court.

Respondent

A person responding to someone's petition for an order of protection or firearm restraining order against them in civil court.

Complaining Witness (CW)

The alleged victim in a criminal case. This term is used to describe someone who reports a violation of the law to authorities and is expected to testify about the incident in court.

Defendant

The equivalent of "respondent" in criminal cases. This term describes someone who allegedly committed a crime.

Court Staff:

Public Defender
A lawyer appointed by the court to represent individuals who are accused of a crime and cannot afford their own legal counsel.

Assistant State's Attorney
A lawyer who is appointed by the state to prosecute a criminal case against a defendant on behalf of a complaining witness.

Orders of Protection (OP) + Karina's Law

Introduction to Orders of Protection

Orders of protection are court orders designed to comprehensively address a variety of survivor needs through the provision of 18 remedies and is intended to stop domestic abuse.

An OP can be issued in three ways:

- **Emergency Orders (EOP)** - Issued with only the petitioner present, typically without giving respondent advance notice, and last 14 to 21 days. These can be renewed repeatedly until the respondent is served and appears in court.

- **Interim Orders (IOP)** - Issued with both parties present, and last for 30 days. They can be renewed until a final hearing is scheduled.

- **Plenary Orders (POP)** - Issued with both parties present and can last up to two years. Plenary orders can be renewed.

Civil and Criminal Orders of Protection

The table on the next page illustrates the key differences between civil and criminal protective orders.

	Civil OP	Criminal OP
The Basics	• Does not require a police report or pressing criminal charges, however this order is enforced by police if you want to report a violation • Petitioners are not assigned an attorney by the state • Civil remedies can be modified or canceled at any time (at petitioner's request) • This order may be transferred to a criminal case if criminal charges are filed based on the same allegations in the petition or if there is a violation of the order reported to police after it is initially filed.	• May be obtained during a pending criminal case. • Typically filed by an Assistant State's Attorney or a private/legal aid attorney of the survivor's choosing. • The state's attorney's office will take the survivor's wishes into account, however, the state may decide to continue with charges regardless. • The petitioner can request that the order of protection to be transferred to civil court.
Qualifying Relationships	• A petitioner must have a qualifying "domestic relationship," which includes family members (through blood, or by present or prior marriage, or a child in common), current or former intimate partners, household members, people who have or had a dating or engagement relationship, high-risk adults with disabilities and their caretakers, or elderly adults and their caretakers.	
Qualifying Venues	• County where the petitioner lives • County where the petitioner fled • County where the respondent lives • County where abuse occurred	

Remedies	• Orders of protection can grant up to 18 remedies that a survivor requests when petitioning including remedies to address firearm threats.
	  ○ These remedies include an order for the person causing harm to stay away, stop future abuse, turn over the survivor's belongings, and designate temporary decision-making abilities related to pets, children, or property.
	  ○ The firearm remedy has recently been expanded through Karina's Law. (See next section.)	

Enforcement + Consequences	• The first violation of a Domestic Violence order of protection is a Class A misdemeanor. • A subsequent violation or a violation following other domestic convictions is a Class 4 felony. These criminal charges are only possible after the respondent has had actual knowledge of the OP. • Some remedies are enforced by the court and others are enforced by law enforcement. • Entry of an order of protection against a respondent appears on most background checks.	

Firearm Prohibition

All respondents who are subject to an order of protection are prohibited from possessing firearms for the duration of the order. **This is an automatic prohibition for all OPs, even when a petitioner does not request the 14.5 remedy.**

If the respondent is a Firearm Owner ID (FOID) Card or Concealed Carry License (CCL) holder, their card(s) are automatically suspended by the Illinois State Police (ISP). When these licenses are suspended, the law requires that the FOID or CCL holder transfer any firearms in their possession to another valid FOID or CCL holder and voluntarily mail their card(s) to ISP along with a disposition form within 48 hours.

Notice of suspension of a FOID or CCL card typically happens within 48 hours of an EOP being granted by the Court. **There is no mechanism that is used to follow up on the automatic suspension and ensure that firearms are properly transferred or that the owner has been dispossessed of their card(s).**

Prior to the passage of Karina's Law, there was **little to no enforcement** of the firearms prohibition beyond the automatic suspension of legal ownership (FOID/CCL).

Now, there are two enforcement options available to survivors through the 14.5 remedy.

What is Karina's Law?

Originally known as House Bill 4144, Karina's Law was signed into law on February 10, 2025 and took effect on May 11, 2025. Karina's Law was named in honor of Karina Gonzalez, who was fatally shot in an act of domestic gun violence perpetrated by her husband. The act by her husband also killed her daughter, Daniella Alvarez, and wounded her son, Manny Alvarez.

The purpose of Karina's Law is to protect survivors of gender-based violence by enabling courts and law enforcement to actively remove firearms as part of orders of protection.

Karina's Law changed the Illinois Domestic Violence Act and Section 122A of the Illinois Criminal Code, specifically as part of the firearm remedy in orders of protection, referred to as box 14.5.

"An immigrant woman from Mexico, who worked dead-end jobs and survived an abusive husband, will now go on to save the lives of other domestic violence victims. Your name, Mom, outlives the man who spent his life trying to break you ... But you won.
And I will spend every day making sure the world knows it."

-Manny Alvarez, proud son honoring Karina Gonzalez

Karina's Law Enforcement Options

When requested by a petitioner and granted by a judge, remedy 14.5 provides two options to enforce the firearm prohibition:

- A **surrender order** says that the respondent is prohibited from possessing firearms and/or firearm parts and must surrender them to law enforcement (default in both options).
- A **search warrant** directs law enforcement to search a location and seize firearms and/or firearm parts that could be used to make a firearm.

Karina's Law also closed a loophole by prohibiting the transfer of firearm possession when 14.5 is granted, preventing individuals from avoiding surrender or seizure.

Instead, it established a process for respondents to petition the court for firearm transfer *after* firearms have been surrendered to or seized by law enforcement, and only in limited circumstances after judicial review and approval.

Surrender Orders

A surrender order is part of the 14.5 remedy that orders the person causing harm to turn over their firearms to law enforcement. Based on the remedies requested by the petitioner and the details of the case, **judges can issue a surrender order on its own or in conjunction with a search warrant.**

If the remedy is granted, the respondent must turn over firearms they have with them to law enforcement when served with the order of protection.

If firearms are not at the location where service is completed by law enforcement, the respondent has 24 hours after service to turn all firearms over to a local law enforcement agency.

Law enforcement is required to report back to court what is surrendered and provide a receipt of items surrendered. (See "Considerations for a Surrender Order.")

What does a survivor need to pursue a surrender order?

- Establish a qualifying relationship under the Illinois Domestic Violence Act
- Participate in the court hearing process where the written affidavit or oral testimony will need to prove that:
    - Notice of the order of protection would put the petitioner at risk of further harm
    - The person causing harm has shown a credible threat to the petitioner's safety or the safety of an intimate partner's child

Search Warrants

A search warrant is a judicial directive that law enforcement search the area described in the search warrant for the purposes of removing firearms and/or firearm parts that could be used to cause harm to the petitioner.

It also directs law enforcement to remove firearm owner identification (FOID) cards and/or conceal carry (CCL) cards. Search warrants can apply to various locations including but not limited to a home, car, storage unit or workplace within Illinois.

If a search warrant is being requested, the petitioner is encouraged to bring a copy of any recent police reports they have filed reporting domestic abuse or the case number. Providing this documentation will reduce the time it may take law enforcement to execute the warrant.

When a petitioner requests a search warrant, they will need to complete an information sheet for law enforcement to accompany and support the successful execution of the search warrant. Law enforcement will report back to court what is seized and provide a receipt of items surrendered. (See "Considerations for Information Sheets.")

It is important to keep in mind that a search warrant empowers law enforcement to enter a premise and, once law enforcement officials are in that location, they can take action on other matters they observe such as illegal substances or other illegal activity. This can result in separate criminal charges. (See "Considerations for a Search Warrant.")

What does a survivor need to pursue a search warrant?

- Establish a qualifying relationship under the Illinois Domestic Violence Act
- Participate in the court hearing process where the written affidavit or oral testimony will need to prove that:
    - Notice of the order of protection would put the petitioner at risk of further harm
    - The person causing harm has shown a credible threat to the petitioner's safety or the safety of an intimate partner's child

- AND -

- Probable cause findings: **(all three are needed)**
    - The respondent possess firearms or firearm parts that could be used to assemble a firearm.
    - The firearms or firearm parts that could be assembled to make a firearm are at the residence, vehicle or other property to be searched
    - The credible threat to physical safety of the petitioner is immediate and present.

Third Party Firearm Transfers

When 14.5 is granted as part of the order of protection, regardless of if the relief was enforced with a surrender order or search warrant, there is a prohibition on the **legally owned transfer** of firearms to another individual without the firearms being surrendered to or seized by law enforcement first.

After a surrender order is successfully served or search warrant is successfully executed, the respondent can petition the court for the firearms to be transferred to a third party. Notice is required to be given to the survivor/petitioner of the OP of this request to transfer.

Importantly, firearms cannot be transferred to a third party until after they are in law enforcement custody. Illegally owned firearms are not eligible for transfer, and the respondent could face additional criminal charges for possession of illegally owned firearm(s).

What is required for a third-party transfer?

- Third party who will be receiving the firearms must appear in court and affirm by affidavit the following:
    - They do not reside with the respondent named in the order of protection.
    - The respondent does not have access to the location the firearms will be kept.
    - The third party will not transfer the firearms or firearm parts to the respondent or to anyone who resides with the respondent.

    - The third party will maintain in possession of the firearms or firearm parts until directed otherwise by the court.
    - The third party transferee must acknowledge they will be subject to criminal penalties under Section 24-3 of the Criminal Code of 2012 for transferring the firearms or firearm parts to the respondent, or allowing the respondent access to the firearms or firearm parts.
- The court must find:
    - The third party holds a valid FOID card.
    - The transfer of the firearms or firearms parts does not place the petitioner or protected parties at additional threat or risk of harm.

Civil and Criminal Firearm Remedy OP Process

Civil OP Process

In a civil OP case, the survivor files a petition with the court to request the firearm remedy identified in section 14.5 of the Illinois Domestic Violence Act with either method of enforcement – surrender order or search warrant and surrender order.

This can be done on their own (pro se) or with the help of a legal advocate or attorney. In the OP hearing, a judge will decide whether the remedies requested are suitable and appropriate given the facts of the case.

The petitioner is not required to have filed a police report to seek a civil OP. However, if requesting a 14.5 remedy, it's important to keep in mind that law enforcement will be involved with enforcing the surrender order or executing the search warrant. **The petitioner can choose stop the civil OP process at any time.**

If the petitioner was granted a firearm surrender order, law enforcement will ask the respondent to surrender their firearms during service of the order of protection. Service timelines vary substantially, depending on the number of attempts needed to locate the respondent. If the respondent does not have their firearms on them at the time of service, they have 24 hours to surrender them to law enforcement following service. **Once firearms are in hand, law enforcement is required to provide a receipt to the respondent and the court by the next court date.**

If the petitioner was granted a search warrant to seize the firearms, there are a few different factors that influence the timeline of execution. Note that the time it takes to deliver the warrant from the court to local law enforcement may vary by jurisdiction.

The following timelines for execution begin when law enforcement have the warrant in hand.

- If the survivor **has not made a police report in the last 90 days,** law enforcement have an **additional 48 hours** to collect information before the execution timeline begins. This means that execution of a search warrant in a

civil order of protection could take anywhere from **4 – 10 days**. After the warrant is executed, law enforcement will provide a receipt to the respondent and the court. At any point in the process after firearms are in police custody, the respondent may file **a petition to transfer the firearms to a third party.**

- If the survivor has made a **police report in the last 90 days,** and shares this during their hearing with the court, law enforcement have **96 hours to either execute the warrant or file a motion** to amend the warrant or extend the execution timeline under certain circumstances. If the motion is granted, law enforcement have an **additional 96 hours to execute.**
- Law enforcement is required to take reasonable steps to notify the survivor if they plan to negate the warrant.

Please see the process map which is labeled "Figure A1" located in the appendix of this toolkit for a visual guide.

Criminal OP Process

In a criminal OP case, the survivor can only file a petition with the court to request a surrender order under 14.5 on their own. To request a search warrant, law enforcement must file the request in coordination with the assistant state's attorney on the case.

In the OP hearing, a judge will decide whether the remedies requested are suitable and appropriate given the facts of the case. Unlike a civil OP that does not require a police report to file, a **criminal OP is attached to criminal charges** that are based on a police report.
Continued involvement with the police will be required for enforcing the surrender order or executing the search warrant. Notably, the **petitioner cannot dismiss a criminal case at will**. The ASA can consider the complaining witness's wishes when deciding to pursue or drop charges but is not required to follow them. The **OP component** of the criminal case should be **maintained or dropped at the petitioner's request**.

If the petitioner/complaining witness was granted a firearm **surrender order**, law enforcement will ask the respondent to **surrender their firearms during service** of the order of protection. **Service timelines vary substantially**, depending on the number of attempts needed to locate the respondent. If the respondent does not have their firearms on them at the time of service, they have **24 hours to surrender** them to law enforcement following service. Once firearms are in hand, law enforcement is required to provide a **receipt** of the items surrendered to the respondent and the court.

If the petitioner/complaining witness was granted a **search warrant** to seize the firearms, law enforcement have **96 hours** to **execute the warrant.** The law does not lay out extensions or modifications for search warrants issued with criminal OPs, as

law enforcement are involved from the beginning they may petition to modify the warrant at any time. This means that execution of a search warrant in a criminal order of protection should typically take up to **4 days** to complete.

In criminal OP cases, there is a chance that firearms have already been seized at the time of arrest or as evidence in an investigation, making a warrant unnecessary. However, in cases where not all firearms are recovered and a search warrant is granted and executed with an OP law enforcement is required to provide a **receipt** to the respondent and the court. If the firearms are not part of evidence, after firearms are in police custody, the respondent may file a **petition to transfer the firearms to a third party**.

Please see the process map which is labeled "Figure A2" located in the appendix of this toolkit for a visual guide.

Key Distinctions Between Civil and Criminal OPs

- What is needed to file?
  - Civil OPs do not require any previous police report or contact to file. Criminal OPs are predicated on a police report.
- Who can request the enforcement mechanism in 14.5?
  - Survivors can petition directly for surrender orders and search warrants in civil OP cases. In criminal OP cases, law enforcement must file for the search warrant on behalf of the survivor.
- How long will search warrant execution take?
  - Execution of a search warrant in a civil OP case can take anywhere from 4 to 10 days. In criminal OP cases, execution should take up to 4 days but may take longer.

Considerations & Guiding Questions for Karina's Law:

14.5 Firearm Remedy Considerations

Although Karina's Law represents a significant step forward in enhancing survivor safety by allowing for the removal of firearms from the person causing harm, it is a newly enacted piece of legislation. As a result, survivors and their advocates may face certain challenges related to implementation.

Under Karina's Law, courts have two primary mechanisms to facilitate the removal of firearms from those who intend to cause harm: **a surrender order** which is the default process and **a search warrant** which can be requested in addition to a surrender order.

The following guidance is intended to help advocates think through key considerations with survivors when determining which option under 14.5 will be most appropriate to best address their concerns related to firearm removal.

Additionally, the firearm remedy and orders of protection broadly, may not be the right fit for all survivors, especially if removing the firearms would be counterintuitive to the survivor's overall goals.

Given this, consider the following when discussing the firearm remedy, including:

1. **Survivors need a basic set of information to file for an order of protection with the firearm remedy.**

- If the survivor does not know the full legal name and birth date of the respondent, there may be jurisdictions that may not be able to enforce the firearm remedy without this information readily available.
- An order of protection and any order they file cannot be entered into the policing database known as LEADS without a date of birth for the respondent. Application of this may vary by jurisdiction.

    - **Consider options outside of the legal system while safety planning with a survivor who lacks the essential information to pursue a legal avenue to disarm.**

2. **The firearm remedy is enforced by the police.**

- Many survivors, for a variety of reasons, may not feel comfortable or safe interacting with police.

    - **Consider options outside of the legal system while safety planning with a survivor who is not willing to collaborate with the police on service of a surrender order or execution of a search warrant.**

3. **The respondent will receive a copy of the petition.**

- If the petition requires information that the respondent does not already have about the petitioner, this may create new risks.

    - **Discuss the risks and benefits of pursuing an order of protection and propose alternative options if the petitioner would need to disclose information on the petition currently unknown to the respondent.**

- If the judge grants the OP without granting the firearm remedy *or* continues the entire petition without issuing the order, the respondent will see what the

petitioner wanted and did not receive firearm relief, which may set the respondent off for targeting their firearms.

- **Consider if the petitioner can safely collect more information before filing if the petitioner is concerned meeting the eligibility criteria for the firearm remedy.**

- **Consider any risk of escalation from the person causing harm who may be angered by the petition and remain armed after service if the firearm remedy or entire OP is not granted during the OP hearing.**

4. **The respondent may react negatively to being served with the order of protection and confiscation of their firearms.**

- Respondents may escalate their violent behavior with tools other than the confiscated firearm in response to the order of protection.

    - **Discuss with the petitioner how they anticipate the respondent will react to the OP. Safety plan accordingly and take concerns of lethal violence seriously.**

5. **The firearm remedy cannot be reliably enforced outside of the state of Illinois.**

- While jurisdictions across the country are obliged to uphold court orders from other states under the Full Faith and Credit Clause of the US Constitution and anyone subject to an order of protection is prohibited from possessing firearms for the duration of the order, it may be difficult or impossible to enforce surrender orders or search warrants outside of Illinois.

- If the respondent is residing in or likely to flee to a residence outside the state of Illinois, the firearm remedy may lack meaningful enforcement.

    - **Engage in additional safety planning in cases with this challenge to account for the continued risk of firearm violence, including discussion of options outside the legal system.**

6. **Service of the order of protection may take a long time.**

    - Delays in serving an OP in Illinois can occur for a variety of reasons and may impact a survivor's safety planning. Common factors contributing to service delays include:

Court Staff and Officer Availability:

- The availability of judges, interpreters, and court staff can vary from day to day depending on the volume of cases in a specific courthouse. This can influence how quickly a petition for an order is heard by a judge and can also delay how quickly the order can be processed and served.
- The availability of officers from the sheriff's department can also impact how quickly an order is served.

Difficulties Locating the Respondent:

- If a respondent's address is unclear or if they moved addresses without knowledge of the survivor, law enforcement may face challenges in identifying or locating the respondent.
- In some cases, respondents may actively avoid being served if they are informed of the OP, which can prolong the service process and create additional safety concerns.
- **Consider the potential of service delays when safety planning before filing an OP, including discussion of a safe, alternative place to stay if the survivor's address is known to the respondent.**

7. **Some survivors may face threats from people with whom they do not have a qualifying relationship for an order of protection at all.**

- This can include members of an LGBTQ+ survivor's chosen family or extended connections like the friend of intimate partner or an ex's current partner.

Consider other legal avenues to disarm the person causing harm and options outside of the legal system while safety planning with a survivor who lacks a qualifying relationship for the firearm remedy.

Guiding Questions for Considering the 14.5 Firearm Remedy:

8. **Do you know all the information about the respondent needed to successfully file for an order of protection?**
9. **Are you willing to work with police to enforce the order of protection, including the firearm remedy?**
10. **Does the respondent already know all the information about you that is required on the OP petition? (ex: full name, birth date, protected addresses other than the home)**
11. **Are you confident that the information you have is accurate and makes you eligible for the firearm remedy?**
12. **How do you think the respondent will react to the order and confiscation of the firearms?**
13. **Do you have somewhere safe to stay until the order is served?**

Surrender Order Considerations

The surrender order is the default option under 14.5

While requesting a surrender order may be a desired part of firearm removal proceedings, it is important to be aware of the potential unintended consequences.

Consider the following when supporting survivors in deciding if a surrender order is right for them:

1. **Respondents may have less incentive to comply with a surrender order if their firearms are illegally obtained.**

   Surrendering illegal firearms may result in separate criminal charges against the respondent, which may make them hesitant to comply with a surrender order. Additionally, the respondent may be able to readily obtain new firearms after surrendering their existing gun(s) via the same illegal means.

   - In these cases, encourage the survivor to safely learn more about the firearms, the circumstances under which they were obtained, and weigh the additional risks associated with increased likelihood of failure to surrender.

2. **The petitioner's knowledge of the respondent's firearms shapes accountability for partial or complete failure to surrender.**

   Due to the lack of firearm sale tracking, there is no statewide database in Illinois on the total number of firearms an individual owns. This means that there is no guarantee that the respondent will surrender all firearms.

   Under Karina's Law, law enforcement is required to provide a receipt to the respondent and the court to document the firearm and firearm parts surrendered. It's important to request a copy of the receipt from law enforcement from the court record to identify how many firearms and which ones have been surrendered.

   - To make a safety plan, consider the real possibility that not all firearms may be surrendered at the time of service. The respondent may surrender only one or a few, if they have access to many. The survivor's knowledge of the respondent's firearms, or lack thereof, may influence the court's ability to hold the respondent accountable to a complete surrender.

   - If the survivor does not know how many firearms the respondent possesses, encourage them to safely seek additional information about

the respondent's firearms and weigh the additional risks associated with a partial surrender.

3. **It is possible that the respondent will not comply with the surrender order.**

   There is always a chance that the respondent will not comply with the surrender order, which perpetuates the risk of firearm violence.

   - It is important to create a safety plan for the possibility that the guns are not surrendered.
   - Support the survivor in following up about compliance at the next court date.
   - If the respondent does not come into compliance with the surrender provisions, the petitioners can contact the state's attorney's office to pursue violation of an order of protection (VOOP) charges against the respondent for failure to comply with 14.5.

Guiding Questions for Considering a Surrender Order:

- Do you know whether the firearms were acquired legally or illegally?
- Are you concerned that the respondent will improperly surrender firearms to the police by only surrendering some of their guns or denying possession altogether?
- How confident are you in your knowledge of the number and kind of firearms the respondent possesses?
- Are you comfortable pursuing criminal charges if the respondent refuses to comply with the order?
- Do you have somewhere safe to stay until the order is served?

Search Warrant Considerations

While requesting a search warrant may be a desired part of firearm removal proceedings, it is important to be aware of the potential unintended consequences[iv].

Consider the following when supporting survivors in deciding if a search warrant is right for them:

1. **In civil orders of protection, the law allows law enforcement to have an additional 48 hours to review the search warrant and petition the court to correct or negate the warrant, if the petitioner has not filed a police report in the last 90 days.**

- If the survivor has not had previous encounters with law enforcement, consider how delays may impact timely execution of the search warrant.
- If law enforcement encounters issues like incomplete or incorrect information on the warrant, that may also extend the execution timeline.
- If law enforcement file a motion to modify the warrant or extend execution, they are required to notify the petitioner. This notice will come after the motion was filed. Should law enforcement seek to negate the warrant, law enforcement must take reasonable steps to notify the survivor before appearing in court.

Safety plans should prepare the survivor for execution to take anywhere from 4 to 10 days, cover how to communicate with the police if there are questions about the warrant, and remind the petitioner to monitor their mail for notice from the court.

2. **The search warrant may be executed at a different time than the order of protection is served. This may cause an escalation of risk if the respondent has been notified of the order before their firearms are taken.**

- In Cook County, the sheriff's office has requested a complimentary copy of the warrant to ensure service of the OP does not happen before the warrant execution. Short form service of OPs conducted by CPD is now being delivered to the Cook County Sheriff's Office electronically to increase the speed of information sharing.
- *Cases outside of Cook County may be more likely to encounter this issue.*

Safety plans should anticipate this possibility and include provisions for a safe place to stay until the warrant is executed. Advocates and attorneys working with clients are encouraged to contact clerk of courts, sheriffs and local law enforcement responsible for enforcement of a search warrant to support coordination of execution on these orders where possible.

3. **Police are likely to prioritize execution of the search warrant first and foremost.**

- Other police enforced OP remedies may not be prioritized in the survivor's order of preference, including the return of a minor child, taking temporary possession of a home, or exchanging of valuable items or documents.

If the petitioner is seeking other urgent, police-enforced remedies, consideration should be given to the possibility that warrant execution may impact the timeline of service and enforcement of those other remedies.

Petitioners may consider requesting 14.5 in future hearings if firearm removal is not their main priority.

4. **Police presence may negatively impact household relationships.**

- The presence and actions of law enforcement during a search may strain or damage relationships with other individuals residing in the home.
- The presence of law enforcement in the home could also be potentially triggering or traumatic to survivors of police violence.

Discuss any concerns that the petitioner has about police presence in the home and how those might be mitigated before filing.

5. **Information outside the original scope of the search may be revealed.**

- A search warrant could authorize a broader examination of the home than initially anticipated, potentially leading to the discovery of unrelated items or issues that may complicate the legal process or lead to unintentional criminalization of any parties involved.
    - For example, illegal substances or activity may be revealed to law enforcement during the search result in separate criminal charges.
- Private or sensitive information may also be unintentionally exposed during the execution of the search warrant, causing personal, relational strain outside of criminalization.

Safety plans should include clear information about the possibility of police finding unrelated materials during the search and the unintended consequences of those findings.

6. **Execution of the search warrant will likely require communication between the petitioner and law enforcement before the execution of the warrant.**

- Execution of the search warrant may take anywhere from 4 to 10 days and may involve the petitioner answering questions from law enforcement.
- If the petitioner does not feel comfortable communicating with police, the search warrant may not be the right remedy enforcement tool for them and a point of discussion of other options should be included in the safety plan.

If the petitioner is not available to communicate with police in the next 4 to 10 days, consider if they should file the OP at a different time.

7. **Search warrants can be requested in a different county than where the OP was filed, but this may cause delays and complications in execution.**

When there are out of county warrants:

- Petitioners or the State's Attorney can request that a search warrant for a civil OP or criminal OP be executed at a property outside of the county where petitioner is petitioning for an order of protection.
- This may cause delays in delivering the search warrant to the executing agency and complications in communication between the petitioner and law enforcement.

Consider the potential for complications if the petitioner chooses to file an out-of-county warrant and explore if the petitioner is eligible to file the OP in the county where the warrant is needed.

Guiding Questions for Considering a Search Warrant:

- Have you reported any incidents of IPV to law enforcement in the last 90 days? If so, did they file a report? *(you can still petition but there will be more time for law enforcement to execute the search warrant)*
- Do you have somewhere safe to stay until the next court date where you will be informed of the status of the search warrant and seizure of firearms?
- Are you confident the information you have about the firearm(s) location is clear and accurate?
- Are there remedies other than the firearm remedy that you urgently need enforced?
- Who will be in the home or area of the search warrant? Do you have any aggressive pets? Are there other household members who need somewhere else to stay?
- Are you concerned about how police interaction will impact your relationship with anyone in the vicinity to be searched?
- Is anyone in the vicinity to be searched concerned about immigration status and the presence of police?
- Is there any illegal activity or material in the area to be searched that police may find unrelated to the warrant? Anything of a personal nature you do not want exposed?
- Are you able to send and receive communication with law enforcement in the next 4 to 10 days?
- Are you filing for the OP in the same county where you want the search warrant executed? (*not required but makes it easier for these processes to flow together)*

Expectations for Information Sheets:

Pursuing a search warrant requires the completion of several other forms, called information sheets, that help relevant stakeholders do their part in the process of executing the warrant.

The following is what to expect and consider when supporting survivors in deciding what information to include on these forms:

Information Sheets for Warrants:

These sheets can be entered into the record and are not confidential. Any information entered can be reviewed by the respondent or their attorney.
This includes:

- Petitioner contact information (phone and email)
- Respondent's date of birth or approximate age if known, gender, race, height, weight, hair color, eye color or distinguishing features
- Description of location to be searched
- Days and times the respondent may be at the location
- Information about other people at this location

Regardless of the type(s) of information sheets the petitioner is completing, **the law only requires the following:**

- Contact information for the petitioner, the petitioner's attorney, or both, including a telephone number and email, *if available*
- A physical description of the respondent, including the respondent's date of birth, *if known*, or approximate age, height, weight, race, and hair color
- Days and times that the respondent is likely to be at the property to be searched, *if known*
- Whether people other than the respondent are likely to be present at the property to be searched and when, *if known*

Administrative Office of the Illinois Courts (AOIC) Sheet

- This information sheet is likely not confidential. It is possible for the respondent to receive a copy of it as a part of the court file.
- The AOIC sheet matches information required for the search warrant in state law.
- The more information the survivor provides, the easier it will be for law enforcement to successfully execute the search warrant and not contact survivor for more information.

Cook County Sheriff's Office Information Sheet

- This sheet is confidential. The respondent will not receive a copy and it will not be included in the court file.
- Even if the survivor does not disclose their contact information on the OP petition, they may choose to include it on this sheet to assist the Cook County Sheriff's Office in serving the respondent.

Supplemental Information Sheets

- Supplemental information sheets may vary by jurisdiction

    - *For example, Chicago Police Department has added a supplement information sheet when they are directed to execute the warrant*)
- This information sheet is most likely not confidential. It is possible for the respondent to get a copy of it as part of a criminal case or could be revealed as part of a subpoena in a civil case.

The more information the survivor provides, the easier it will be for the law enforcement to execute the warrant and return firearms. But all of this information is not required under state law.

Guiding Questions for Third Party Transfers

At any point after the respondent's firearms are placed in the custody of law enforcement, the respondent may file a petition to transfer the firearms out of law enforcement's custody and into a qualifying third party's custody. The OP petitioner will be provided with notice of the petition to transfer's hearing date and may appear to voice concerns if they wish.

Here are some questions to guide discussion with a survivor if the respondent in their OP case is seeking a firearm transfer:

- Who are safe/trusted people in the respondent's life who could hold the firearm(s)?
- Do you know if this person has a valid FOID card?
- Does the respondent live with this person? Does the respondent frequently stay with this person?
- Has there been any recent threat of firearm violence from the respondent or from the third party?
- Do you trust this person to keep firearms away from the respondent? Does this transfer make you fear for your safety?
- Has the third party ever been a bystander to the abuse you or your children have experienced or have they also engaged in this abusive behavior?
- If this does not feel like a safe transfer, what evidence can be brought before the judge to support your concern?
- If this does not feel like a safe transfer, is there anyone else in the respondent's life who you would trust to receive a transfer?

Firearms Restraining Order (FRO)

Introduction to Firearm Restraining Orders

Firearm restraining orders are civil court orders designed to temporarily remove firearms from someone who is a threat to themself or someone else. The underlying Illinois law, the Firearm Restraining Order (FRO) Act, is sometimes called a "red flag law." Unlike an order of protection which is intended to be comprehensive and

focuses on domestic violence, the FRO is a tool exclusively used to address the threat of firearm violence to prevent suicide, harm to an individual, or harm to a community. A FRO can be issued in two ways:

Emergency FRO - issued with only the petitioner present, typically without giving respondent advance notice, and last up to 14 days. These can be renewed repeatedly until the respondent is served and appears in court.

Plenary FRO – issued with both parties present following an evidentiary hearing and last from 6 months up to a 1 year. These can be renewed.

- Anyone subjected to a FRO is prohibited from possessing or purchasing firearms and has their FOID/CCL suspended.
- A judge who grants a FRO issues the order with a search warrant to seize the firearm(s) in question.

Firearm Restraining Orders	
The Basics	• Does not require a police report • Does not require pressing criminal charges • Can be filed without an attorney (pro se) and without the respondent present (ex parte)
Qualifying Relationships	• Spouses (note: intimate partners who are/were not married do not qualify) • Anyone related by blood or marriage (parents, children, stepchildren, etc.) • People living together (currently or formerly) • Law enforcement **If someone wants to pursue a FRO but does not qualify as one of these relationships, they can ask law enforcement to petition for it**
Qualifying Venues	• Any county where the respondent resides • Any county where an incident occurred
Remedies	• Prohibition of the possession and surrender of firearm parts that could be used to make a firearm, ammunition, firearms, FOID/CCL • Search warrant to seize firearms and FOID/CCL cards from the respondent
Enforcement + Consequences	• The first violation of a firearm restraining order is a Class A misdemeanor.

	• The remedy is enforced by the court and others are enforced by law enforcement. • Court records of a granted FRO are sealed 3 years after expiration of the order.

FRO Process

If respondent poses **immediate and present danger,** the survivor can file for an **emergency FRO** ex parte on their own (if they qualify) or in collaboration with law enforcement. If the threat of firearm violence is not imminent, individuals may petition for a stand-alone 6-month surrender order which requires notice and an opportunity to be heard for the respondent. The respondent may then surrender firearms, firearm parts, ammunition and FOID/CCL cards or have them seized by law enforcement if the order is granted at the hearing.

If **someone other than the survivor petitions** for an emergency FRO in a case with threats against an intimate partner, the petitioner must make a good faith effort to provide **notice to the survivor** of the proceedings. The petitioner is **not required** to have filed a **police report** to seek a FRO; however, law enforcement will be involved in executing the search warrant and enforcing the order. In the FRO hearing, a judge will decide if the petition is suitable and appropriate given the facts of the case. If the judge grants the order, a **search warrant** will be issued.

The Firearm Restraining Order Act operates under standard search warrant timeframes, meaning the search warrant is valid for 96 hours (4 days) from the time of issuance from the court. If the search warrant is not executed within that timeframe the search warrant becomes invalid. When a search warrant has been executed, law enforcement have **4 days to provide a receipt** to the court of when the search warrant was executed and what was taken.

Following the execution of the search warrant, an **evidentiary hearing** is scheduled to consider the issuance of a plenary order. As of 2022, emergency firearm restraining orders do not allow for the petition to transfer firearms out of law enforcement custody. However, plenary firearm restraining orders do allow for transfer under certain conditions.

While the order is in effect, the transferee who receives the respondent's firearms, ammunition, and firearm parts that could be assembled to make an operable firearm must swear or affirm by affidavit that he or she shall not transfer the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm to the respondent or to anyone residing in the same residence as the respondent. The petitioner must be notified of such a request.

If granted, the order will stand for 6 to 12 months and can be renewed. During that period of time, the respondent is allowed to **petition to terminate the order one time**. The process map on the following page highlights this.

For details on considerations and guiding questions related to the search warrant issued in a FRO, see "Considerations for a Search Warrant" and "Guiding Questions for a Search Warrant" sections above.

Please see the process map which is labeled "Figure A3" located in the appendix of this toolkit for a visual guide of the Firearm Restraining Order process.

Firearm Safety Planning

Before You Start

Safety Planning Steps

Overview:

1. **Identifying Risks:**
   Identifying risk is a critical part of safety planning for survivors of domestic violence, particularly when firearms are involved. A survivor-centered approach prioritizes the survivor's concerns, fears, and lived experiences in conversations about safety. Advocates can help guide these conversations by asking open-ended questions that allow survivors to identify specific risks, particularly related to firearms and the presence of other risk factors for lethal violence.

2. **Goal Setting:**
   Goal setting begins with open, nonjudgmental conversations that help the survivor define what safety, stability, and healing mean to them. Goals may include a wide range of outcomes from disclosing the harm to a trusted friend to ensuring safe firearm storage or creating distance from the person causing harm. When firearms are involved, it is important to explore specific considerations, such as whether the survivor wants the firearm legally removed, who should handle the removal, and how to ensure the process does not increase risk.

3. **Discuss Resources, Options, and Strategies**
   A survivor-centered approach means helping the survivor recognize and reflect on the supports, tools, and strengths they already have, as well as those they may be able to access safely in the future. Resources can take many forms, including social supports like friends, family, neighbors, or faith communities; material items such as a phone, car, or medications; financial assets like income, savings, or benefits; and community supports such as shelters, legal aid, or cultural organizations.

   Survivors may also have valuable knowledge and skills, including self-defense, familiarity with technology, or awareness of how firearms are stored and used. Identifying these resources provides a foundation for developing meaningful safety strategies.

4. **Deciding on Safety Actions**
   Choosing safety actions involves identifying considerations for how each decision may impact the survivor and others around them. This means exploring both the intended and unintended outcomes of a safety action while centering the survivor's goals, values, and current situation. Planning ahead for possible risks or reactions can make safety actions more manageable and effective.

As circumstances change, it is important to regularly revisit and adapt safety plans to ensure they remain practical, realistic, and grounded in what the survivor feels will keep them safe.

Step 1: Identifying Risks[v]

This section includes questions that can be used to help someone identify the risks that need to be addressed while safety planning. They are only suggestions to help prompt discussions and are not a comprehensive list.

The presence of a firearm in a domestic violence relationship increases the risk of intimate partner homicide 500 percent.

Generally, to identify risks related to firearms, a survivor and advocate should discuss the concerns related to the gun(s) and consider any other risk factors involved in the relationship that may lead to lethal violence.

Note that all threats related to firearms are dangerous, whether they are explicit or implicit.

Guiding Questions to Identify Firearm Risks:[vi]

Does the person harming you have a gun?

- Is it legally or illegally owned?
- Is it registered in their name? (if not, who owns it?)
- Do they have more than one gun?
- Are they a member of law enforcement?
- Do they have a FOID card or CCL card?
- Do they have access to guns, regardless of owning a gun?
- Do you know where the gun(s) are stored? If yes, where?
- Are the guns in the home you reside in?
- Does they need/use a gun for work?

Do you have a gun?

- Who can access it?
- Who knows that you have it?
- Is it legally or illegally owned?
- Do you have a gun lock or safe for the firearm(s)?

What are you worried about related to firearms?

- What has happened that harmed you or made you fearful to date?
- Has the person harming you ever threatened to or pointed a gun at you, a family member, or friend?
- Have you ever been shot or shot with the firearm?

- Has law enforcement removed a firearm from them before?
- If they have never used a gun against you, do you fear they might in the future?
- What do you fear will happen in the future?
- Would removing this person's gun make you safer?

Guiding Questions to Identify Other Lethality Risks

The following behaviors, when observed in someone who is causing harm and possesses a firearm, can indicate that the survivor may be at risk for serious injury or death.

Harming animals and/or children

- Have they ever threatened or harmed your children or pets?

Threats of suicide

- Have they ever threatened to or attempted to commit suicide?

Threatening or fantasizing about homicide

- Have they ever threatened to or attempted to kill you?
- Have they told other people in your life that they want to kill you?
- Have they ever harmed you in a way that caused serious injury? (This might include broken bones, the need for stitches, or injuries that required hospital admission to treat.)

Strangulation

- Have they ever tried to strangle, choke, or suffocate you with their hands, body, or objects?
- Do you have any lingering symptoms such as headaches, dizziness, nausea, difficulty breathing, etc.?

Leaving or planning to leave the relationship

- Have you recently left or ended the relationship?
- Are you planning to leave or end the relationship?
- How might they react to your leaving or getting help?

Escalating violence during pregnancy[vii]

- Are you currently pregnant or recently postpartum?
- Have you experienced increased violence during your pregnancy?
- Have they threatened or injured the fetus?
- Have they forced you to terminate a pregnancy?

Weaponizing immigrant status[viii]

- Do they tell you that you will be sent back to your home country if you seek help or try to leave them?
- Do they threaten to withdraw the petition to legalize your immigration status?
- Do they tell you that you are not allowed to learn English?
- Do they accuse you of "acting too American"?

Step 2: Setting Goals

Survivor-centered goal setting means asking open, nonjudgmental questions to understand what safety, stability, and healing look like for that specific individual. Survivors are experts in their own lives, and they are best equipped to determine what they need. Your role as an advocate is to help clarify and support those goals.

Meet the survivor where they are and support them in identifying what feels realistic, meaningful, and safe to them.

General Guiding Questions for Setting Goals

- What do you want to happen related to the firearm risks?
- What do you *not* want to happen?
- What would make you feel *safer*?

Goals that follow this framework are more likely to reflect the survivor's current needs and increase their sense of agency and control.

Example Goals:

- Tell at least one friend about the threat
- Learn more about the firearm threat
- Obtain safe firearm storage
- Leave or separate safely without fear of gun violence
- Stay together without threat of gun violence

Guiding Questions to Identify Potential Goals:

- Do you want the firearm(s) to be legally removed by law enforcement?
- Do you want the firearm(s) to be held by someone else?
- Do you want law enforcement to be able to forcibly enter an area and remove them?
- Do you want to avoid the use of a search warrant if possible?
- Do you want a safety plan for the period after firearm removal, in case the respondent reacts to the removal?

Step 3: Discuss Resources, Options, and Strategies

Ultimately, the parameters of a safety plan will be influenced by the person's resources, strengths, priorities, perspectives, abilities, responsibilities, backgrounds,

identities, faith, traditions, family structure, values, and culture. A survivor-centered perspective is essential when healing the survivor map out resources. options and safety strategies. In addition to the guiding questions in this section, you may use other tools to support a survivor in identifying resources in their life.

Identify Current Strengths:

Help the survivor reflect on what they are already doing to stay safe. This builds confidence, acknowledges their resilience, and helps identify strategies that are working. It can prompt people to think about what they are already doing to stay safe and build off what they know.

These strengths might include receiving support from friends or family members, community organizations, or leveraging skills they've drawn on in the past. Build on people's values, experiences, and strengths by asking the following guiding questions.

Guiding Questions to Identify Strengths:

- What have you done in the past that helped you stay safe?
- What are you doing now that helps you feel safer?
- Have any of these actions been helpful? What hasn't worked?
- What gives you strength? (e.g., children, faith, cultural values, pets)
- Who supports you or checks in on you regularly?

Identify Current Resources

Encourage the survivor to name what resources they currently have access to or may be able to safely access in the future:

Types of Resources:

1. Social Supports: Friends, relatives, neighbors, coworkers
2. Material Resources: Phone, car, emergency funds, clothing, medication
3. Community Support: Domestic violence shelters, legal aid, cultural orgs
4. Financial Assets: Savings, employment, benefits
5. Knowledge or Skills: Self-defense training, advocacy
6. Digital Access: Secure email, device privacy, knowledge of tech safety
7. Knowledge About the Firearm(s): See the guiding questions below.

Guiding Questions to Clarify the Survivor's Knowledge About the Firearm(s)

- Do you know where the firearm(s) are stored?
- Is it locked or easily accessible?
- Do you know how many firearms are in the home? What type(s)?
- Have you noticed any patterns in how the person causing harm uses or references firearms?

Identify Options When Facing Firearm Risk

There are a wide variety of options for survivors facing firearm risks. The following list is not comprehensive, but rather, a starting point for discussing options with a survivor.

Options to Reduce Risk

1. **Acquire Safer Storage**
   - If the survivor believes the person causing harm would be amenable, trigger locks and gun safes would create safer storage of the firearm and a barrier to use during a crisis.

2. **Identify Where Firearms are Stored**
   - If the survivor faces the threat of firearms, they can gather information on where they are kept and stored.
   - This information will be important to know when the person causing harm may be in close proximity to a firearm when violence escalates.

3. **Altering Security at Home**
   - The Safe Homes Act[ix] allows survivors to request a lock change at their unit if they experienced violence in the home.
   - Home security equipment like security cameras can be purchased and installed to increase visibility around the home.

Options to Disarm

1. Legal options to disarm a person causing harm are described at length in the Legal Options chapter of this toolkit. See that chapter for details about orders of protection, firearm restraining order and criminal charges

2. In an emergency, contacting 911 may disarm the person causing harm or otherwise interrupt the threat.

   - Many communities have experienced systemic oppression within the criminal justice system that makes calling the police unsafe or uncomfortable.

- Calling 911 does not have to be all or nothing, advocates can help survivors identify when they are and are not willing to contact police and brainstorm alternative strategies if needed.
- Survivors who do not speak English should be informed of their right to an interpreter when they call 911.

Options to Flee

Prepare a go bag

Survivors can put a bag together with some essential things you may need in case you need to leave quickly. This might include:

- Important documents
- Driver's license/state ID card, car registration, health insurance cards/information, immigration documents, copy of protective order, etc.
- Cash, credit cards, checks
- Keys to car, house, work
- List of phone numbers for people to call for support
- In case they do not have access to their phone
- Extra set of house keys, car keys
- Extra clothes
- Medication, prescriptions
- Cell phone charger

Stay at a domestic violence shelter.

When beds are available they can accommodate stays 24/7. To find a shelter & the latest updates on bed availability and referrals to shelters call the Illinois DV Hotline **(1-877-863-6338)**

Stay with a friend or family member.

Survivors can identify trusted people in their lives who may have space for them to stay. See the safety planning section of this toolkit for guiding questions to facilitate this process.

Move to a new location.

The Safe Homes Act allows survivors to break their lease if they have experienced abuse. Survivors may also find it helpful to work with a nonprofit organization to cover costs associated with moving. Additionally, the Attorney General's Office has an address protection program that can keep the survivor's new address confidential.

Step 4: Deciding on a Safety Action

A safety action is a specific step a survivor can take to reduce risk of harm. These actions are based on their current resources, strengths, and circumstances. It can be easier to break these actions down into **short-term** and **long-term** actions when planning.

The following is not a comprehensive list of safety actions, but rather, some examples that may generate ideas in discussions with survivors.

All safety actions need to be evaluated for intended and unintended consequences.
Models for these evaluations are provided below, along with sample scenarios that advocates can use as practice tools.

Example Short-Term Safety Actions

A short-term safety action requires little or no preparation and can be taken immediately to reduce harm.

- Calling 911 for emergency assistance
- Learning more about the firearms in the possession of the person causing harm
- Teaching children how to call for help safely

Example Medium- or Long-Term Safety Actions

These actions may take time, resources, or coordination. They often involve working with others and planning ahead.

- Obtaining a gun safe or trigger locks
- Securing a safe place to stay away from the abuser and firearms
- Creating a list of trusted people who can help in an emergency
- Petitioning for an order of protection (OP) with the firearm remedy
- Petitioning for a firearm restraining order (FRO)

Planning for Intended and Unintended Consequences

Taking action can sometimes increase risk or lead to unexpected outcomes. Survivors' needs, risks, and available resources often shift.

It is important to revisit and revise safety actions regularly, especially when:

- The level of danger changes
- A new opportunity or resource becomes available
- An action no longer feels safe or helpful

The table on the next page provides examples of how to assess a safety action's possible consequences.

Safety Action	Possible Consequences
Calling 911 for help	**Intended Consequences:** • The police arrive and resolve the issue. **Unintended Consequences:** • The person causing harm may or may not be arrested, regardless of the survivor's wishes. • If law enforcement views the survivor as the aggressor, the survivor may be subject to criminalization instead.
Petitioning for a civil OP with a surrender order and search warrant	**Intended Consequences:** • Law enforcement searches for and removes firearms. **Unintended Consequences:** • Law enforcement may not locate firearms and the respondent is notified of your intent to remove them. • Illegal activity or substances may be uncovered during the search resulting in separate criminal charges.
Buying a gun/firearm to protect yourself	**Intended Consequences:** • It can help the survivor feel safer. **Unintended Consequences:** • The firearm can be used against the survivor if they are overpowered or the firearm location is uncovered. • The presence of a firearm may increase safety risks in the home.

Guiding Questions to Identify Consequences:

The following questions can be used to guide discussion about intended and unintended consequences of safety actions.

1. **How might this action increase safety?**
    - What do you want this action to achieve?
    - Who needs to be informed or included in this plan?
    - What support, tools, or services are needed?

2. **Could it unintentionally decrease safety?**
    - Could this action endanger someone else in the household?
    - Might the person causing harm retaliate?
    - Can we prepare for unintended outcomes?

3. **Is there a backup plan if something unexpected happens?**

Practice Safety Planning Scenarios

Scenario 1: Survivor Living with Abuser Who Owns a Firearm

Lana and her 10-year-old son are living with her partner who has threatened her in the past. He legally owns a firearm, which he keeps in the bedroom in the drawer of his nightstand. She is not ready to leave the relationship or the home right away, but is looking for ways to reduce immediate risks.

Short-term safety actions:

- Sleep in a separate room, if possible.
- Teach her child how and when to call 911.
- Keep her phone charged and hidden at night.
- Learn where the firearm is stored and whether it is loaded.

Resources needed for short-term actions:

- Cell phone access
- Quiet time to talk with child
- Support from a trusted friend to check in daily

Long-Term Safety Actions

- Create a "go bag" with documents, medication, cash, and clothing.
- Talk with a domestic violence advocate to understand options.
- Begin saving money discreetly for emergency expenses.
- Identify a safe place to go in case of emergency.

- If safe, discuss a trigger lock or gun safe as alternative storage.
- Consider petitioning for an order of protection with the firearm remedy or firearm restraining order, if violence escalates.

Resources needed for long-term safety actions:

- Connection with a legal advocate
- Transportation plan
- Safe storage location for their "go bag"
- Resources to purchase safer storage

Assessing Intended & Unintended Consequences:

Safety Action 1: *Teaching child to call 911*

- Intended Outcome: Emergency services can intervene
- Unintended Risks: Child may become frightened or call unnecessarily

To mitigate this risk, Lana can focus on teaching the child about safety instead of responsibility.

Safety Action 2: *Petitioning for OP or FRO*

- Intended Outcome: Firearm may be removed
- Unintended Risks: Abuser may retaliate or escalate abuse

To mitigate this risk, Lana can discuss the OP process with an advocate and create a safety plan in case of retaliation.

Scenario 2: Survivor Living Separately, Facing Ongoing Threats

Raul recently left a violent relationship. His former partner has threatened to come to his apartment and has access to firearms. Raul has a disability that limits his mobility.

Short-Term Safety Actions:

- Inform neighbors and building staff not to let the former partner in.
- Save the police non-emergency number and a nearby friend's number in his phone favorites.

Resources needed for short term safety actions:

- Supportive neighbor and friend network
- Connection to disability services

Long-Term Safety Actions:

- Install a doorbell camera and reinforce door locks.
- Enroll in a trauma-informed self-defense class for people with disabilities.
- Plan to relocate within the next year to a safer building.
- Petition for an OP or FRO.

Resources Needed for Long Term Safety Actions:

- Small budget for safety equipment and/or classes
- Savings in anticipation of a move
- Access to a legal advocate to discuss pursuing legal options

Assessing Intended & Unintended Consequences:

Safety Action 1: Filing for an OP with surrender order

- Intended Outcome: Firearms are removed from the ex.
- Unintended Risks: Court order may anger ex, prompting confrontation

To mitigate this risk, Raul will revisit his plan every 2–3 months with his caseworker, especially after court hearings or major life changes.

Safety Action 2: Installing a camera

- Intended Outcome: Increased evidence and deterrence.
- Unintended Risks: Ex may tamper with it or escalate harassment elsewhere

To mitigate this risk, Raul can share the footage with his advocate or legal counsel and build out a support team to check in daily.

Scenario 3: Survivor with Children, Separated from Abuser, Facing Co-Parenting Challenges

Amira shares custody of her children with her ex-husband, who was abusive in the past and owns multiple firearms. Though she lives separately, he often intimidates her during drop-offs and refuses to say whether the firearms are stored safely around the children. Amira does not want her ex-husband to get in trouble and does not want to involve law enforcement because she believes that this will only escalate the situation.

Short-Term Safety Actions:

- Ask a trusted adult to accompany her during pickups/drop-offs.
- Keep a log of interactions that feel unsafe.
- Teach older child how to call for help discreetly.

Resources needed for short term safety actions:

- Cell phone
- A safe place to store the interaction log.
- Supportive co-parenting ally, friend or support group for regular check-ins.

Long-Term Safety Actions:

- Petition the court to modify custody or visitation if threats escalate.
- Discuss firearm concerns with the assigned Guardian Ad Litem.
- Petition the court for child exchange to occur in public or supervised settings.
- Connect with a counselor to help children process their fears and safety concerns.
- Consult with an attorney about safe storage requirements and parental rights.

Resources Needed for long term safety actions:

- Legal counsel
- Supervised visitation center or neutral exchange location
- Mental health support for children
- Documentation of concerning behavior

Assessing Intended & Unintended Consequences:

Safety Action 1: Petition the court for child exchange to occur in public or supervised settings

- Intended Outcome: Visits take place at a supervised visitation center and reduces contact between Amira and her ex husband.
- Unintended Risks: Abuser may refuse to comply and blame survivor in court

To mitigate this risk, Amira will work with an attorney to frame requests with safety rationale and use written communication platforms to track all co-parenting exchanges

Appendix

Firearm Remedy Process Flowcharts

Figure A1: Civil OP Process + Karina's Law Firearm Remedy

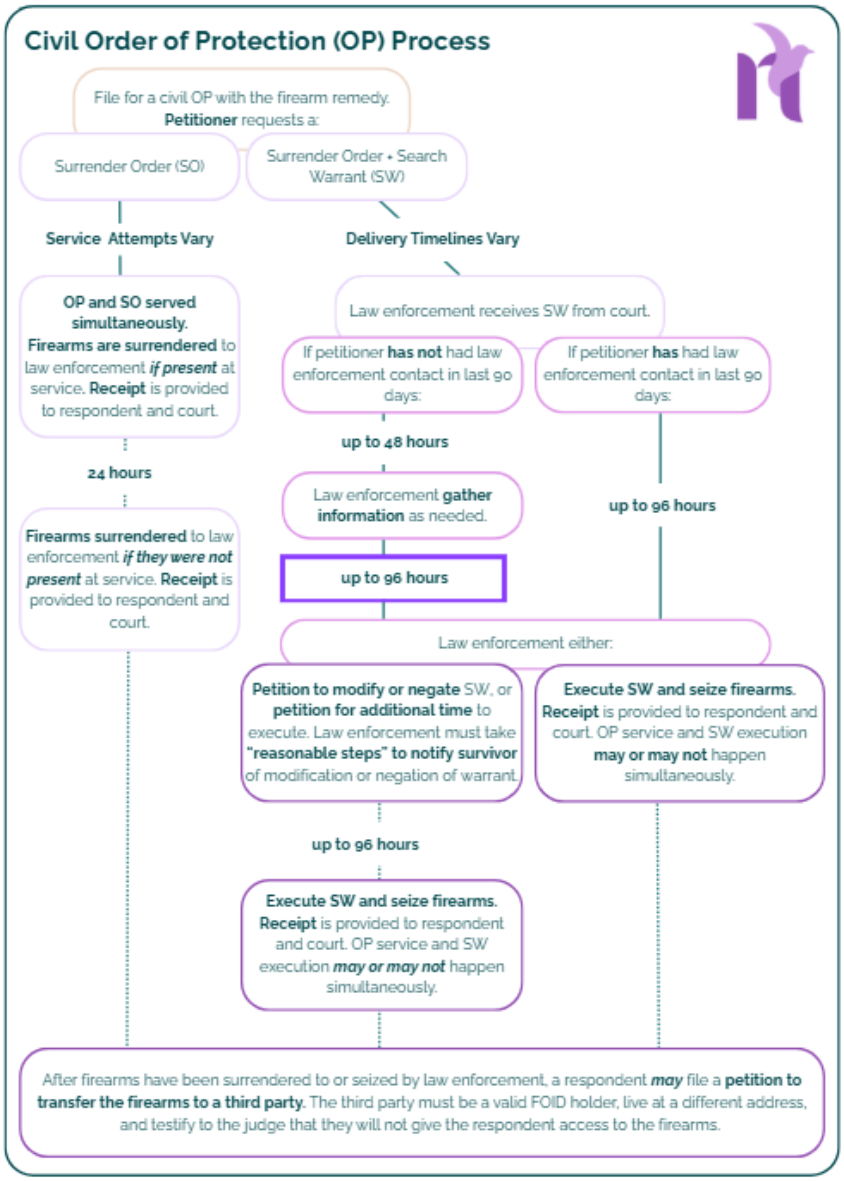
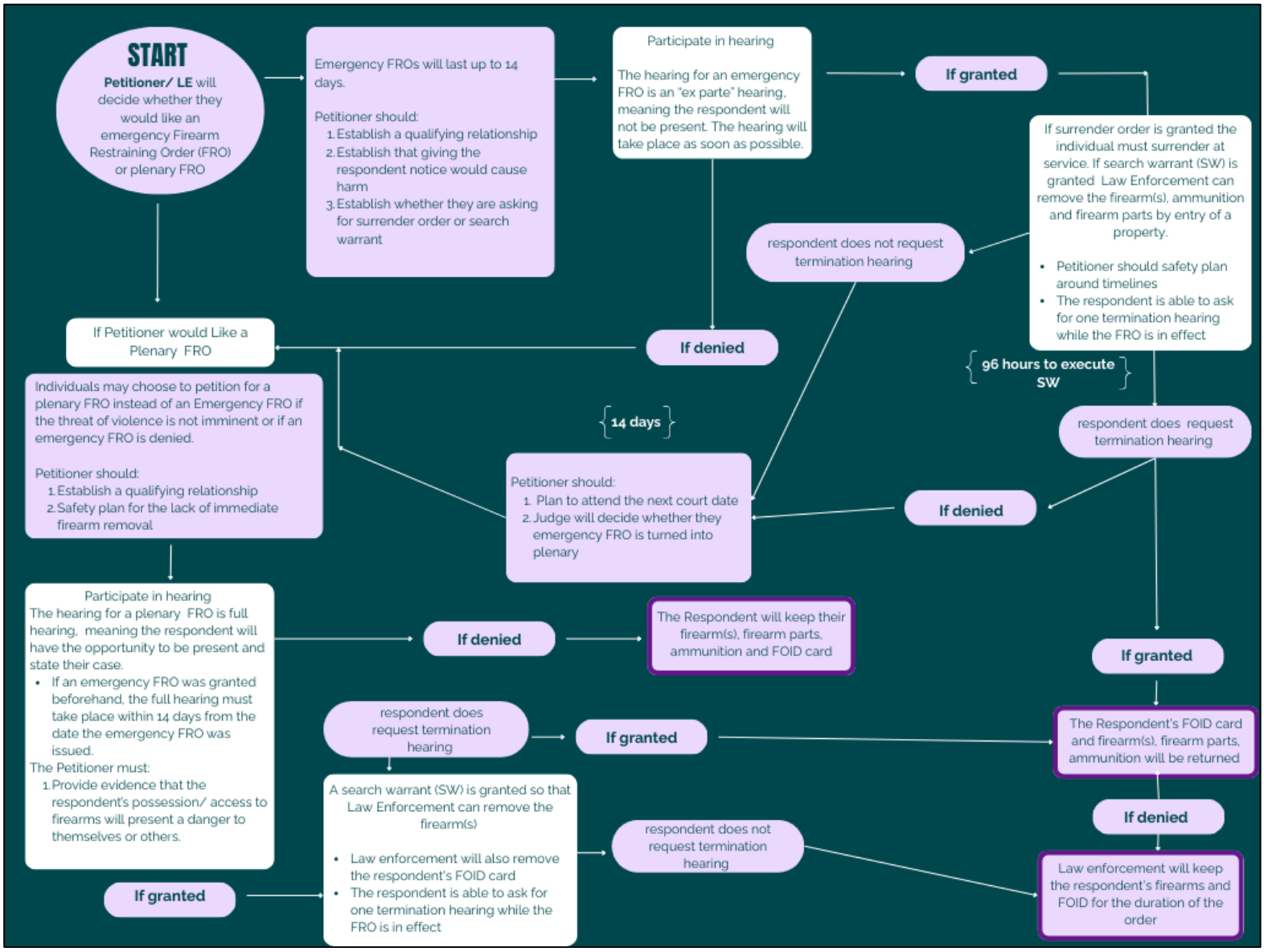


Figure A2: Criminal OP Process + Karina's Law Firearm Remedy

Figure A3: Firearm Restraining Order Process



Citations

[i] Tobin-Tyler E. Intimate Partner Violence, Firearm Injuries and Homicides: A Health Justice Approach to Two Intersecting Public Health Crises. J Law Med Ethics. 2023;51(1):64-76. doi: 10.1017/jme.2023.41. Epub 2023 May 25. PMID: 37226755; PMCID: PMC10209983.

[ii] Adapted from S.A.F.E. Tool: Strategic Assessment of Firearm Enforcement. Battered Women's Justice Project. (2025, August 27). *S.A.F.E. Tool* [PDF]. https://bwjp.org/site-resources/s-a-f-e-tool/

[iii] Centers for Disease Control and Prevention. (2024, November 27). *Stalking*. U.S. Department of Health & Human Services. https://www.cdc.gov/intimate-partner-violence/about/about-stalking.html?CDC_AAref_Val=https%3A%2F%2Fwww.cdc.gov%2Fviolenceprevention%2Fintimatepartnerviolence%2Fstalking%2Ffastfact.html

[iv] Adapted from S.A.F.E. Tool: Strategic Assessment of Firearm Enforcement. Battered Women's Justice Project. (2025, August 27). *S.A.F.E. Tool* [PDF]. https://bwjp.org/site-resources/s-a-f-e-tool/

[v] Davies, J. (2017). Victim-Defined Safety Planning Summary. GHLA. https://vawnet.org/sites/default/files/assets/files/2018-07/Victim-Defined-Safety-Planning.1-17.pdf

[vi] Adapted from S.A.F.E. Tool: Strategic Assessment of Firearm Enforcement. Battered Women's Justice Project. (2025, August 27). *S.A.F.E. Tool* [PDF]. https://bwjp.org/site-resources/s-a-f-e-tool/

[vii] World Health Organization. Intimate partner violence during pregnancy. https://apps.who.int/iris/bitstream/handle/10665/70764/WHO_RHR_11.35_eng.pdf

[viii] Sabri, B., & Campbell, J. C. (2024). Firearm-Related Risks and Consequences for Immigrant Women in Abusive Relationships: Barriers to Reporting Threats to Safety and Recommendations for Safety Planning. *Journal of aggression, maltreatment & trauma*, *33*(4), 407–431. https://doi.org/10.1080/10926771.2023.2224257

[ix] The Network. (n.d.). *Using the Illinois Safe Homes Act*. The Network: Advocating Against Domestic Violence, from https://the-network.org/using-the-illinois-safe-homes-act/