Safety Planning & Considerations: Karina's Law Firearm Remedies

Guidance for Pro Se Petitioners

What is Karina's Law?

Karina's Law took effect on May 11, 2025. The main 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.

About this Resource

This guidance is intended for civil orders of protection, though some considerations may also apply to safety planning in the context of criminal orders of protection when seeking such relief.

Further Assistance

If you would like further assistance or support, please call the Illinois Domestic Violence Hotline number below to get connected to resources and speak with an advocate.

1-877-863-6338

Key Provisions

When granted by a judge, Remedy 14.5 provides two enforcement options:

PROHIBITION & SURRENDER

- The judge may grant a surrender order or both a surrender order and a search warrant as part of 14.5 in an order of protection.
- A surrender order requires that the respondent must turn over firearms with them at time of service, OR up to 24 hours after being served to give law enforcement firearms.
- Law enforcement must report back to court about what is surrendered and provide a receipt of items surrendered.

ISSUANCE OF A SEARCH WARRANT

- The search warrant empowers LE to enter and search a location.
- If the judge issues a search warrant as part of 14.5, the surrender order is a default option and also applies.
- Law enforcement can only take firearms found in the location listed in the warrant.
- Survivors will be asked to fill out an information sheet to help with the search. This sheet is not confidential.
- Law enforcement must report to the court anything taken during the search.

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Safety Planning Considerations

Before Requesting a 14.5 Remedy

Factors to Consider

How is the other person likely to react?
- To being served? If their home is searched? If their firearms are removed? If they are told to surrender their firearms?

What is the likelihood that they...
- will follow through and comply by surrendering their firearms?
- will not avoid attempts of service by the police?

Does the potential benefit outweigh the potential risk of pursuing an order to remove the firearms?

Underlying Prohibition

Prohibition outside the context of 14.5

- In general, purchasing and possessing firearms is prohibited if someone is subject to an existing OP, because firearm owners identification cards (FOID) are automatically suspended in all orders of protection
- Unless there is a conviction for a felony, a violation of an OP in the last 5 years, mental health considerations, or another prohibiting offense, the prohibition ends when the order of protection ends.

Note that someone in possession of an invalidated FOID card may still be able to purchase firearms from a private seller who does not run the FOID to check for validity.

Common Myths

Given that Karina's Law is new, there are some common myths about how it works that should be dispelled wherever possible.

1. To qualify for the firearm remedy, a firearm **does not** need to have been previously used in pattern of abuse.

If a petitioner has a qualifying relationship, participates in the OP hearing, and (if seeking a search warrant) demonstrates probable cause, they can request the firearm remedy regardless of whether or not the firearm has been used in the pattern of abuse.

2. The petitioner **does not** need to know the exact make and model of the firearm for a warrant to be issue issued.

It is common for survivors to have limited or incomplete information about what firearms respondent owns. A petitioner does not need to know all the details about a gun(s) for it to be removed. Size, and anticipated location of the gun within a property are helpful for law enforcement to identify what they are looking for when they execute the search warrant but not required.



Legal Avenues to Remove Firearms

14.5 & Civil Orders of Protection

THE PROCESS:

Surrender Orders (SO)

- Law enforcement will serve the OP and SO simultaneously (these are not separate documents)
- Firearms are surrendered to law enforcement if present at service.
- If the firearms are not present at the time of service, the respondent will have 24 hours to turn them over to law enforcement.
- Receipt is provided to respondent and court.

Surrender Orders + Search Warrant

- OP service and SW execution may or may not happen simultaneously.

Timeline of Execution

- Timelines vary
- Under certain circumstances, law enforcement may also petition for an extension of a search warrant. This means execution of a search warrant in civil orders of protection may take anywhere between 4 - 10 days to be executed.

After firearms have been surrendered to or seized by law enforcement, a respondent may file a petition to transfer the firearms to a third party. The third party must have a valid FOID, live at a different address, and testify to the judge that they will not give the respondent access to the firearms or firearm parts.

Overview:

- **Civil remedies do not require pressing criminal charges. Survivors can request criminal charges be dropped, but the state makes that decision.**
- Key Terms:
  - "Petitioner" = the person asking for a civil order
  - "Respondent" = the person they're getting an order against
  - IDVA = Illinois Domestic Violence Act
- **If someone is convicted of a felony or a DV misdemeanor or has an existing OP against them, they cannot legally own a gun.**

In civil orders of protection, anyone eligible under the IDVA can be protected under 14.5

Legal Avenues to Remove Firearms

14.5 & Criminal Orders of Protection

The Process:

Timeline of Execution

- The remedy will be served 96 hours from the time of being granted by a judge.
- The statute does not spell out petitions for modification/extensions given that law enforcement is the petitioner for the search warrant

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Surrender Orders + Search Warrant

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After firearms have been surrendered to or seized by law enforcement, a respondent may file a petition to transfer the firearms to a third party.

The third party must have a valid FOID, live at a different address, and testify to the judge that they will not give the respondent access to the firearms or firearm parts.

Overview:

- **To initiate a criminal case, a petitioner must:**
  Do one of the following:
  - File a police report
  - Contact law enforcement
  - Go to the local courthouse
  - Contact he State's Attorney Office
  - Seek help from a legal aid or domestic violence advocate
- **The State's Attorney's Office decides whether someone can be prosecuted based on what evidence is available.**

  While the State Attorney's Office may proceed with charges without the survivor, the survivor's decision to participate largely influences the case.
- **If someone is convicted of a felony or a DV misdemeanor or has an existing OP against them, they cannot legally own a gun.**

If a search warrant is requested, it will be petitioned by law enforcement.

Frequently Asked Questions

About requesting a 14.5 remedy

Can I request an out of county search warrant?

- Petitioners or the State's Attorney can request 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.
- A judge in Illinois cannot grant a seizure order or search warrant in another state.
- Whenever possible, a petitioner should consider filing the EOP in the county where the search warrant would be executed, if permissible under IDVA.

What is the legal standard to be met to issue a search warrant?

The standard for a firearm search and seizure warrant is probable cause. Probable cause exists if:

- The respondent poses a credible threat to the petitioner that is protected by the order of protection,
- That the respondent has firearms or firearm parts to make a firearm,
- That the firearm is located at the property to be searched, and
- That the credible threat to the petitioner is immediate and present.

What is the timeline for a firearm remedy?

- Criminal Orders of Protection (OPs) include a 4 day firearm search provision since law enforcement petitions on the survivor's behalf.
- In civil OPs, the timeline ranges from 4 - 10 days depending on whether or not a law enforcement report was filed in the last 90 days



How can I follow up?

Clerk's Office

- Ensure that the clerk's office has a copy of the OP and search warrant if granted. Be sure that the information sheet is completed property and accurately,

Victim Witness Staff

- Follow up with victim witness staff if a search warrant was granted in an criminal OP to see if they know the status of the search warrant and OP. Depending on your jurisdiction, they may be able help you talk to law enforcement or provide follow up information.

Sheriff's Office

- They are primarily responsible for service of OPs and typically have the most up to date information on service. In Cook County, they will receive a complimentary copy of a search warrant even if they are not directed to execute it.

Which firearm remedy is right for me?

Surrender Orders

- A surrender order says that the respondent must surrender their firearms to law enforcement
- If the Judge issues a search warrant, the surrender order is a default option and also applies.
- The surrender order is requested as part of an OP

Search Warrants + Surrender Orders

- A search warrant directs law enforcement to search a location and seize the firearms.
- A search warrant is requested through the OP process, however, the search warrant is a separate court order from the order of protection that gives law enforcement legal entry to enter a premise.

Firearm Restraining Order

- Firearm restraining orders are civil court orders designed to temporarily remove firearms from someone who is a threat to themself or someone else
- Unlike an order of protection, the FRO is a tool exclusively used to address the threat of firearm violence to prevent harm.

Surrender Orders

- Illinois does not have a firearm registry
- There is no way to tell if all firearms are surrendered unless the survivor has knowledge about all firearms in possession of the person causing harm.
- If firearms are illegally obtained, there may be less of an incentive to surrender because separate criminal charges may result in surrendering illegal firearms

Search Warrants + Surrender Orders

- Law enforcement can only take firearms found in the location listed in the warrant.
- Once police are in the location to be searched, they will be able to take action on other matters such as illegal substances in the home or illegal activity
- These can result in separate criminal charges.
- It may take law enforcement up to 10 days to carry out the search.
- Law enforcement is required to take reasonable steps to notify the survivor before modifying or negating the warrant.

Firearm Restraining Order (FRO)

- When petitioning for domestic violence remedies, only certain individuals—such as minor children, dependent or high-risk adults, and household members—can be listed as protected parties. This criteria does not apply for a FRO.

- A FRO may be useful to remove firearms if the petitioner is not eligible for an OP but meets the criteria for a stalking no contact or a civil no contact order.