

97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

INTRODUCED _____, BY

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Marriage and Dissolution of Marriage Act to rewrite provisions concerning child custody and visitation, but with changes that include the following: (1) amends the Intergovernmental Missing Child Recovery Act of 1984, the Code of Criminal Procedure of 1963, the Illinois Parentage Act of 1984, the Illinois Domestic Violence Act of 1986, and the Probate Act of 1975, and further amends the Illinois Marriage and Dissolution of Marriage Act to change references to "custody" and "visitation" to "parental responsibilities" and "parenting time", respectively, and to change references to Sections of the Illinois Marriage and Dissolution of Marriage Act that are repealed by the bill; and (2) requires the Illinois Supreme Court to approve not less than 3 hours of training for certain professionals, evaluators, investigators, and guardians ad litem serving in connection with proceedings to allocate parental responsibilities. Effective January 1, 2012.

LRB097 00030 AJO 40031 b

A BILL FOR

1 AN ACT concerning child custody.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Intergovernmental Missing Child Recovery
5 Act of 1984 is amended by changing Section 7.1 as follows:

6 (325 ILCS 40/7.1) (from Ch. 23, par. 2257.1)

7 Sec. 7.1. In addition to any requirement of Section 601.2
8 ~~601 or 611~~ of the Illinois Marriage and Dissolution of Marriage
9 Act or applicable provisions of the Uniform Child-Custody
10 Jurisdiction and Enforcement Act regarding a parental
11 allocation custody proceeding of an out-of-state party, every
12 court in this State, prior to granting or modifying a parental
13 allocation custody judgment, shall inquire with LEADS and the
14 National Crime Information Center to ascertain whether the
15 child or children in question have been reported missing or
16 have been involved in or are the victims of a parental or
17 noncustodial abduction. Such inquiry may be conducted with any
18 law enforcement agency in this State that maintains a LEADS
19 terminal or has immediate access to one on a 24-hour-per-day,
20 7-day-per-week basis through a written agreement with another
21 law enforcement agency.

22 (Source: P.A. 93-108, eff. 1-1-04.)

1 Section 10. The Code of Criminal Procedure of 1963 is
2 amended by changing Section 112A-23 as follows:

3 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

4 Sec. 112A-23. Enforcement of orders of protection.

5 (a) When violation is crime. A violation of any order of
6 protection, whether issued in a civil, quasi-criminal
7 proceeding, shall be enforced by a criminal court when:

8 (1) The respondent commits the crime of violation of an
9 order of protection pursuant to Section 12-30 of the
10 Criminal Code of 1961, by having knowingly violated:

11 (i) remedies described in paragraphs (1), (2),
12 (3), (14), or (14.5) of subsection (b) of Section
13 112A-14,

14 (ii) a remedy, which is substantially similar to
15 the remedies authorized under paragraphs (1), (2),
16 (3), (14) or (14.5) of subsection (b) of Section 214 of
17 the Illinois Domestic Violence Act of 1986, in a valid
18 order of protection, which is authorized under the laws
19 of another state, tribe or United States territory,

20 (iii) or any other remedy when the act constitutes
21 a crime against the protected parties as defined by the
22 Criminal Code of 1961.

23 Prosecution for a violation of an order of protection shall
24 not bar concurrent prosecution for any other crime, including
25 any crime that may have been committed at the time of the

1 violation of the order of protection; or

2 (2) The respondent commits the crime of child abduction
3 pursuant to Section 10-5 of the Criminal Code of 1961, by
4 having knowingly violated:

5 (i) remedies described in paragraphs (5), (6) or
6 (8) of subsection (b) of Section 112A-14, or

7 (ii) a remedy, which is substantially similar to
8 the remedies authorized under paragraphs (1), (5),
9 (6), or (8) of subsection (b) of Section 214 of the
10 Illinois Domestic Violence Act of 1986, in a valid
11 order of protection, which is authorized under the laws
12 of another state, tribe or United States territory.

13 (b) When violation is contempt of court. A violation of any
14 valid order of protection, whether issued in a civil or
15 criminal proceeding, may be enforced through civil or criminal
16 contempt procedures, as appropriate, by any court with
17 jurisdiction, regardless where the act or acts which violated
18 the order of protection were committed, to the extent
19 consistent with the venue provisions of this Article. Nothing
20 in this Article shall preclude any Illinois court from
21 enforcing any valid order of protection issued in another
22 state. Illinois courts may enforce orders of protection through
23 both criminal prosecution and contempt proceedings, unless the
24 action which is second in time is barred by collateral estoppel
25 or the constitutional prohibition against double jeopardy.

26 (1) In a contempt proceeding where the petition for a

1 rule to show cause sets forth facts evidencing an immediate
2 danger that the respondent will flee the jurisdiction,
3 conceal a child, or inflict physical abuse on the
4 petitioner or minor children or on dependent adults in
5 petitioner's care, the court may order the attachment of
6 the respondent without prior service of the rule to show
7 cause or the petition for a rule to show cause. Bond shall
8 be set unless specifically denied in writing.

9 (2) A petition for a rule to show cause for violation
10 of an order of protection shall be treated as an expedited
11 proceeding.

12 (c) Violation of custody, allocation of parental
13 responsibility, or support orders. A violation of remedies
14 described in paragraphs (5), (6), (8), or (9) of subsection (b)
15 of Section 112A-14 may be enforced by any remedy provided by
16 Section 607.5 ~~611~~ of the Illinois Marriage and Dissolution of
17 Marriage Act. The court may enforce any order for support
18 issued under paragraph (12) of subsection (b) of Section
19 112A-14 in the manner provided for under Parts V and VII of the
20 Illinois Marriage and Dissolution of Marriage Act.

21 (d) Actual knowledge. An order of protection may be
22 enforced pursuant to this Section if the respondent violates
23 the order after respondent has actual knowledge of its contents
24 as shown through one of the following means:

25 (1) By service, delivery, or notice under Section
26 112A-10.

1 (2) By notice under Section 112A-11.

2 (3) By service of an order of protection under Section
3 112A-22.

4 (4) By other means demonstrating actual knowledge of
5 the contents of the order.

6 (e) The enforcement of an order of protection in civil or
7 criminal court shall not be affected by either of the
8 following:

9 (1) The existence of a separate, correlative order
10 entered under Section 112A-15.

11 (2) Any finding or order entered in a conjoined
12 criminal proceeding.

13 (f) Circumstances. The court, when determining whether or
14 not a violation of an order of protection has occurred, shall
15 not require physical manifestations of abuse on the person of
16 the victim.

17 (g) Penalties.

18 (1) Except as provided in paragraph (3) of this
19 subsection, where the court finds the commission of a crime
20 or contempt of court under subsections (a) or (b) of this
21 Section, the penalty shall be the penalty that generally
22 applies in such criminal or contempt proceedings, and may
23 include one or more of the following: incarceration,
24 payment of restitution, a fine, payment of attorneys' fees
25 and costs, or community service.

26 (2) The court shall hear and take into account evidence

1 of any factors in aggravation or mitigation before deciding
2 an appropriate penalty under paragraph (1) of this
3 subsection.

4 (3) To the extent permitted by law, the court is
5 encouraged to:

6 (i) increase the penalty for the knowing violation
7 of any order of protection over any penalty previously
8 imposed by any court for respondent's violation of any
9 order of protection or penal statute involving
10 petitioner as victim and respondent as defendant;

11 (ii) impose a minimum penalty of 24 hours
12 imprisonment for respondent's first violation of any
13 order of protection; and

14 (iii) impose a minimum penalty of 48 hours
15 imprisonment for respondent's second or subsequent
16 violation of an order of protection

17 unless the court explicitly finds that an increased penalty
18 or that period of imprisonment would be manifestly unjust.

19 (4) In addition to any other penalties imposed for a
20 violation of an order of protection, a criminal court may
21 consider evidence of any violations of an order of
22 protection:

23 (i) to increase, revoke or modify the bail bond on
24 an underlying criminal charge pursuant to Section
25 110-6;

26 (ii) to revoke or modify an order of probation,

1 conditional discharge or supervision, pursuant to
2 Section 5-6-4 of the Unified Code of Corrections;

3 (iii) to revoke or modify a sentence of periodic
4 imprisonment, pursuant to Section 5-7-2 of the Unified
5 Code of Corrections.

6 (Source: P.A. 95-331, eff. 8-21-07.)

7 Section 15. The Illinois Marriage and Dissolution of
8 Marriage Act is amended by changing Sections 102 and 505 and
9 the heading of Part VI and by adding Sections 600, 601.2,
10 602.5, 602.7, 602.10, 603.5, 603.10, 604.10, 606.5, 606.10,
11 607.5, 609.2, 610.5, and 612 as follows:

12 (750 ILCS 5/102) (from Ch. 40, par. 102)

13 Sec. 102. Purposes; Rules of Construction. This Act shall
14 be liberally construed and applied to promote its underlying
15 purposes, which are to:

16 (1) provide adequate procedures for the solemnization and
17 registration of marriage;

18 (2) strengthen and preserve the integrity of marriage and
19 safeguard family relationships;

20 (3) promote the amicable settlement of disputes that have
21 arisen between parties to a marriage;

22 (4) mitigate the potential harm to ~~the~~ spouses and their
23 children caused by the ~~process of legal~~ dissolution of marriage
24 process, and protect children from exposure to conflict and

1 violence;

2 (5) ensure predictable decision-making for the care of
3 children and for the allocation of parenting time and other
4 parental responsibilities, and avoid prolonged uncertainty by
5 expeditiously resolving issues involving children;

6 (6) recognize the right of children to a healthy
7 relationship with parents, and the responsibility of parents to
8 ensure such a relationship;

9 (7) acknowledge that the determination of children's best
10 interests, and the allocation of parenting time and significant
11 decision-making responsibilities, are among the paramount
12 responsibilities of our system of justice, and to that end:

13 (A) recognize children's right to a strong and healthy
14 relationship with parents, and parents' concomitant right
15 and responsibility to create and maintain such
16 relationships;

17 (B) recognize that, in the absence of domestic violence
18 or any other factor that the court expressly finds to be
19 relevant, proximity to, and frequent contact with, both
20 parents promotes healthy development of children;

21 (C) facilitate parental planning and agreement about
22 the children's upbringing and allocation of parenting time
23 and other parental responsibilities;

24 (D) continue existing parent-child relationships, and
25 secure the maximum involvement and cooperation of parents
26 regarding the physical, mental, moral, and emotional

1 well-being of the children during and after the litigation;

2 (E) recognize that the involvement of each parent for
3 not less than 35% residential parenting time is in the
4 children's best interest; and

5 (F) encourage programs to educate parents to:

6 (i) minimize or eliminate rancor and the
7 detrimental effect of litigation in any proceeding
8 involving children; and

9 (ii) facilitate the maximum cooperation of parents
10 in raising their children;

11 (8) ~~(5)~~ make reasonable provision for spouses and minor
12 children during and after litigation, including provision for
13 timely awards of interim fees to all attorneys, including
14 children's representatives, to achieve substantial parity in
15 parties' access to funds for litigation costs;

16 (9) ~~(6)~~ eliminate the consideration of marital misconduct
17 in the adjudication of rights and duties incident to ~~the legal~~
18 dissolution of marriage, legal separation and declaration of
19 invalidity of marriage; and

20 ~~(7) secure the maximum involvement and cooperation of both~~
21 ~~parents regarding the physical, mental, moral and emotional~~
22 ~~well-being of the children during and after the litigation; and~~

23 (10) ~~(8)~~ make provision for the preservation and
24 conservation of assets during the litigation.

25 (Source: P.A. 89-712, eff. 6-1-97.)

(750 ILCS 5/505) (from Ch. 40, par. 505)

Sec. 505. Child support; contempt; penalties.

(a) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity of marriage, a proceeding for child support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, a proceeding for modification of a previous order for child support under Section 510 of this Act, or any proceeding authorized under Section 501 or 601 of this Act, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable and necessary for his support, without regard to marital misconduct. The duty of support owed to a child includes the obligation to provide for the reasonable and necessary physical, mental and emotional health needs of the child. For purposes of this Section, the term "child" shall include any child under age 18 and any child under age 19 who is still attending high school. For purposes of this Section, the term "supporting parent" means the parent obligated to pay support to the other parent.

(1) The Court shall determine the minimum amount of support by using the following guidelines:

Number of Children	Percent of Supporting Party's Net Income
1	20%
2	28%

1	3	32%
2	4	40%
3	5	45%
4	6 or more	50%

5 (2) The above guidelines shall be applied in each case
6 unless the court makes a finding that application of the
7 guidelines would be inappropriate, after considering the
8 best interests of the child in light of evidence including
9 but not limited to one or more of the following relevant
10 factors:

11 (a) the financial resources and needs of the child;

12 (b) the financial resources and needs of the
13 custodial parent;

14 (c) the standard of living the child would have
15 enjoyed had the marriage not been dissolved;

16 (d) the physical and emotional condition of the
17 child, and his educational needs; and

18 (e) the financial resources and needs of the
19 non-custodial parent.

20 If the court deviates from the guidelines, the court's
21 finding shall state the amount of support that would have
22 been required under the guidelines, if determinable. The
23 court shall include the reason or reasons for the variance
24 from the guidelines.

25 (3) "Net income" is defined as the total of all income
26 from all sources, minus the following deductions:

1 (a) Federal income tax (properly calculated
2 withholding or estimated payments);

3 (b) State income tax (properly calculated
4 withholding or estimated payments);

5 (c) Social Security (FICA payments);

6 (d) Mandatory retirement contributions required by
7 law or as a condition of employment;

8 (e) Union dues;

9 (f) Dependent and individual
10 health/hospitalization insurance premiums;

11 (g) Prior obligations of support or maintenance
12 actually paid pursuant to a court order;

13 (h) Expenditures for repayment of debts that
14 represent reasonable and necessary expenses for the
15 production of income, medical expenditures necessary
16 to preserve life or health, reasonable expenditures
17 for the benefit of the child and the other parent,
18 exclusive of gifts. The court shall reduce net income
19 in determining the minimum amount of support to be
20 ordered only for the period that such payments are due
21 and shall enter an order containing provisions for its
22 self-executing modification upon termination of such
23 payment period;

24 (i) Foster care payments paid by the Department of
25 Children and Family Services for providing licensed
26 foster care to a foster child.

1 (4) In cases where the court order provides for
2 health/hospitalization insurance coverage pursuant to
3 Section 505.2 of this Act, the premiums for that insurance,
4 or that portion of the premiums for which the supporting
5 party is responsible in the case of insurance provided
6 through an employer's health insurance plan where the
7 employer pays a portion of the premiums, shall be
8 subtracted from net income in determining the minimum
9 amount of support to be ordered.

10 (4.5) In a proceeding for child support following
11 dissolution of the marriage by a court that lacked personal
12 jurisdiction over the absent spouse, and in which the court
13 is requiring payment of support for the period before the
14 date an order for current support is entered, there is a
15 rebuttable presumption that the supporting party's net
16 income for the prior period was the same as his or her net
17 income at the time the order for current support is
18 entered.

19 (5) If the net income cannot be determined because of
20 default or any other reason, the court shall order support
21 in an amount considered reasonable in the particular case.
22 The final order in all cases shall state the support level
23 in dollar amounts. However, if the court finds that the
24 child support amount cannot be expressed exclusively as a
25 dollar amount because all or a portion of the payor's net
26 income is uncertain as to source, time of payment, or

1 amount, the court may order a percentage amount of support
2 in addition to a specific dollar amount and enter such
3 other orders as may be necessary to determine and enforce,
4 on a timely basis, the applicable support ordered.

5 (6) If (i) the supporting ~~non-custodial~~ parent was
6 properly served with a request for discovery of financial
7 information relating to the supporting ~~non-custodial~~
8 parent's ability to provide child support, (ii) the
9 supporting ~~non-custodial~~ parent failed to comply with the
10 request, despite having been ordered to do so by the court,
11 and (iii) the supporting ~~non-custodial~~ parent is not
12 present at the hearing to determine support despite having
13 received proper notice, then any relevant financial
14 information concerning the supporting ~~non-custodial~~
15 parent's ability to provide child support that was obtained
16 pursuant to subpoena and proper notice shall be admitted
17 into evidence without the need to establish any further
18 foundation for its admission.

19 (a-5) In an action to enforce an order for support based on
20 the respondent's failure to make support payments as required
21 by the order, notice of proceedings to hold the respondent in
22 contempt for that failure may be served on the respondent by
23 personal service or by regular mail addressed to the
24 respondent's last known address. The respondent's last known
25 address may be determined from records of the clerk of the
26 court, from the Federal Case Registry of Child Support Orders,

1 or by any other reasonable means.

2 (b) Failure of either parent to comply with an order to pay
3 support shall be punishable as in other cases of contempt. In
4 addition to other penalties provided by law the Court may,
5 after finding the parent guilty of contempt, order that the
6 parent be:

7 (1) placed on probation with such conditions of
8 probation as the Court deems advisable;

9 (2) sentenced to periodic imprisonment for a period not
10 to exceed 6 months; provided, however, that the Court may
11 permit the parent to be released for periods of time during
12 the day or night to:

13 (A) work; or

14 (B) conduct a business or other self-employed
15 occupation.

16 The Court may further order any part or all of the earnings
17 of a parent during a sentence of periodic imprisonment paid to
18 the Clerk of the Circuit Court or to the parent having the
19 majority of residential responsibility ~~custody~~ or to the
20 guardian having the majority of residential responsibility for
21 ~~custody of~~ the children of the sentenced parent for the support
22 of said children until further order of the Court.

23 If there is a unity of interest and ownership sufficient to
24 render no financial separation between a supporting
25 ~~non-custodial~~ parent and another person or persons or business
26 entity, the court may pierce the ownership veil of the person,

1 persons, or business entity to discover assets of the
2 supporting ~~non-custodial~~ parent held in the name of that
3 person, those persons, or that business entity. The following
4 circumstances are sufficient to authorize a court to order
5 discovery of the assets of a person, persons, or business
6 entity and to compel the application of any discovered assets
7 toward payment on the judgment for support:

8 (1) the supporting ~~non-custodial~~ parent and the
9 person, persons, or business entity maintain records
10 together.

11 (2) the supporting ~~non-custodial~~ parent and the
12 person, persons, or business entity fail to maintain an
13 arms length relationship between themselves with regard to
14 any assets.

15 (3) the supporting ~~non-custodial~~ parent transfers
16 assets to the person, persons, or business entity with the
17 intent to perpetrate a fraud on the ~~custodial~~ parent
18 receiving the support.

19 With respect to assets which are real property, no order
20 entered under this paragraph shall affect the rights of bona
21 fide purchasers, mortgagees, judgment creditors, or other lien
22 holders who acquire their interests in the property prior to
23 the time a notice of lis pendens pursuant to the Code of Civil
24 Procedure or a copy of the order is placed of record in the
25 office of the recorder of deeds for the county in which the
26 real property is located.

1 The court may also order in cases where the parent is 90
2 days or more delinquent in payment of support or has been
3 adjudicated in arrears in an amount equal to 90 days obligation
4 or more, that the parent's Illinois driving privileges be
5 suspended until the court determines that the parent is in
6 compliance with the order of support. The court may also order
7 that the parent be issued a family financial responsibility
8 driving permit that would allow limited driving privileges for
9 employment and medical purposes in accordance with Section
10 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit
11 court shall certify the order suspending the driving privileges
12 of the parent or granting the issuance of a family financial
13 responsibility driving permit to the Secretary of State on
14 forms prescribed by the Secretary. Upon receipt of the
15 authenticated documents, the Secretary of State shall suspend
16 the parent's driving privileges until further order of the
17 court and shall, if ordered by the court, subject to the
18 provisions of Section 7-702.1 of the Illinois Vehicle Code,
19 issue a family financial responsibility driving permit to the
20 parent.

21 In addition to the penalties or punishment that may be
22 imposed under this Section, any person whose conduct
23 constitutes a violation of Section 15 of the Non-Support
24 Punishment Act may be prosecuted under that Act, and a person
25 convicted under that Act may be sentenced in accordance with
26 that Act. The sentence may include but need not be limited to a

1 requirement that the person perform community service under
2 Section 50 of that Act or participate in a work alternative
3 program under Section 50 of that Act. A person may not be
4 required to participate in a work alternative program under
5 Section 50 of that Act if the person is currently participating
6 in a work program pursuant to Section 505.1 of this Act.

7 A support obligation, or any portion of a support
8 obligation, which becomes due and remains unpaid as of the end
9 of each month, excluding the child support that was due for
10 that month to the extent that it was not paid in that month,
11 shall accrue simple interest as set forth in Section 12-109 of
12 the Code of Civil Procedure. An order for support entered or
13 modified on or after January 1, 2006 shall contain a statement
14 that a support obligation required under the order, or any
15 portion of a support obligation required under the order, that
16 becomes due and remains unpaid as of the end of each month,
17 excluding the child support that was due for that month to the
18 extent that it was not paid in that month, shall accrue simple
19 interest as set forth in Section 12-109 of the Code of Civil
20 Procedure. Failure to include the statement in the order for
21 support does not affect the validity of the order or the
22 accrual of interest as provided in this Section.

23 (c) A one-time charge of 20% is imposable upon the amount
24 of past-due child support owed on July 1, 1988 which has
25 accrued under a support order entered by the court. The charge
26 shall be imposed in accordance with the provisions of Section

1 10-21 of the Illinois Public Aid Code and shall be enforced by
2 the court upon petition.

3 (d) Any new or existing support order entered by the court
4 under this Section shall be deemed to be a series of judgments
5 against the person obligated to pay support thereunder, each
6 such judgment to be in the amount of each payment or
7 installment of support and each such judgment to be deemed
8 entered as of the date the corresponding payment or installment
9 becomes due under the terms of the support order. Each such
10 judgment shall have the full force, effect and attributes of
11 any other judgment of this State, including the ability to be
12 enforced. A lien arises by operation of law against the real
13 and personal property of the supporting ~~noncustodial~~ parent for
14 each installment of overdue support owed by the supporting
15 ~~noncustodial~~ parent.

16 (e) When child support is to be paid through the clerk of
17 the court in a county of 1,000,000 inhabitants or less, the
18 order shall direct the obligor to pay to the clerk, in addition
19 to the child support payments, all fees imposed by the county
20 board under paragraph (3) of subsection (u) of Section 27.1 of
21 the Clerks of Courts Act. Unless paid in cash or pursuant to an
22 order for withholding, the payment of the fee shall be by a
23 separate instrument from the support payment and shall be made
24 to the order of the Clerk.

25 (f) All orders for support, when entered or modified, shall
26 include a provision requiring the obligor to notify the court

1 and, in cases in which a party is receiving child and spouse
2 services under Article X of the Illinois Public Aid Code, the
3 Department of Healthcare and Family Services, within 7 days,
4 (i) of the name and address of any new employer of the obligor,
5 (ii) whether the obligor has access to health insurance
6 coverage through the employer or other group coverage and, if
7 so, the policy name and number and the names of persons covered
8 under the policy, and (iii) of any new residential or mailing
9 address or telephone number of the supporting ~~non-custodial~~
10 parent. In any subsequent action to enforce a support order,
11 upon a sufficient showing that a diligent effort has been made
12 to ascertain the location of the supporting ~~non-custodial~~
13 parent, service of process or provision of notice necessary in
14 the case may be made at the last known address of the
15 supporting ~~non-custodial~~ parent in any manner expressly
16 provided by the Code of Civil Procedure or this Act, which
17 service shall be sufficient for purposes of due process.

18 (g) An order for support shall include a date on which the
19 current support obligation terminates. The termination date
20 shall be no earlier than the date on which the child covered by
21 the order will attain the age of 18. However, if the child will
22 not graduate from high school until after attaining the age of
23 18, then the termination date shall be no earlier than the
24 earlier of the date on which the child's high school graduation
25 will occur or the date on which the child will attain the age
26 of 19. The order for support shall state that the termination

1 date does not apply to any arrearage that may remain unpaid on
2 that date. Nothing in this subsection shall be construed to
3 prevent the court from modifying the order or terminating the
4 order in the event the child is otherwise emancipated.

5 (g-5) If there is an unpaid arrearage or delinquency (as
6 those terms are defined in the Income Withholding for Support
7 Act) equal to at least one month's support obligation on the
8 termination date stated in the order for support or, if there
9 is no termination date stated in the order, on the date the
10 child attains the age of majority or is otherwise emancipated,
11 the periodic amount required to be paid for current support of
12 that child immediately prior to that date shall automatically
13 continue to be an obligation, not as current support but as
14 periodic payment toward satisfaction of the unpaid arrearage or
15 delinquency. That periodic payment shall be in addition to any
16 periodic payment previously required for satisfaction of the
17 arrearage or delinquency. The total periodic amount to be paid
18 toward satisfaction of the arrearage or delinquency may be
19 enforced and collected by any method provided by law for
20 enforcement and collection of child support, including but not
21 limited to income withholding under the Income Withholding for
22 Support Act. Each order for support entered or modified on or
23 after the effective date of this amendatory Act of the 93rd
24 General Assembly must contain a statement notifying the parties
25 of the requirements of this subsection. Failure to include the
26 statement in the order for support does not affect the validity

1 of the order or the operation of the provisions of this
2 subsection with regard to the order. This subsection shall not
3 be construed to prevent or affect the establishment or
4 modification of an order for support of a minor child or the
5 establishment or modification of an order for support of a
6 non-minor child or educational expenses under Section 513 of
7 this Act.

8 (h) An order entered under this Section shall include a
9 provision requiring the obligor to report to the obligee and to
10 the clerk of court within 10 days each time the obligor obtains
11 new employment, and each time the obligor's employment is
12 terminated for any reason. The report shall be in writing and
13 shall, in the case of new employment, include the name and
14 address of the new employer. Failure to report new employment
15 or the termination of current employment, if coupled with
16 nonpayment of support for a period in excess of 60 days, is
17 indirect criminal contempt. For any obligor arrested for
18 failure to report new employment bond shall be set in the
19 amount of the child support that should have been paid during
20 the period of unreported employment. An order entered under
21 this Section shall also include a provision requiring the
22 obligor and obligee parents to advise each other of a change in
23 residence within 5 days of the change except when the court
24 finds that the physical, mental, or emotional health of a party
25 or that of a child, or both, would be seriously endangered by
26 disclosure of the party's address.

1 (i) The court does not lose the powers of contempt,
2 driver's license suspension, or other child support
3 enforcement mechanisms, including, but not limited to,
4 criminal prosecution as set forth in this Act, upon the
5 emancipation of the minor child or children.

6 (Source: P.A. 95-331, eff. 8-21-07; 96-1134, eff. 7-21-10.)

7 (750 ILCS 5/Pt. VI heading)

8 PART VI

9 ALLOCATION OF PARENTAL RESPONSIBILITIES CUSTODY

10 (750 ILCS 5/600 new)

11 Sec. 600. Definitions. For purposes of this Part VI:

12 "Abuse" has the meaning ascribed to that term in Section
13 103 of the Illinois Domestic Violence Act of 1986.

14 "Allocation judgment" means a judgment allocating parental
15 responsibilities.

16 "Caretaking functions" means tasks that involve
17 interaction with a child or that direct, arrange, and supervise
18 the interaction with and care of a child provided by others, or
19 for obtaining the resources allowing for the provision of these
20 functions. The term includes, but is not limited to, the
21 following:

22 (1) Satisfying a child's nutritional needs; managing a
23 child's bedtime and wake-up routines; caring for a child
24 when the child is sick or injured; being attentive to a

1 child's personal hygiene needs, including washing,
2 grooming, and dressing; playing with a child and arranging
3 for recreation; protecting a child's physical safety; and
4 providing transportation for a child.

5 (2) Directing a child's various developmental needs,
6 including the acquisition of motor and language skills,
7 toilet training, self-confidence, and maturation.

8 (3) Providing discipline, giving instruction in
9 manners, assigning and supervising chores, and performing
10 other tasks that attend to a child's needs for behavioral
11 control and self-restraint.

12 (4) Arranging for a child's education, including
13 arranging for remedial or special services appropriate to
14 the child's needs and interests, communicating with
15 teachers and counselors, and supervising homework.

16 (5) Helping a child develop and maintain appropriate
17 interpersonal relationships with peers, siblings, and
18 other family members.

19 (6) Arranging for health-care providers, medical
20 follow-up, and home health care for a child.

21 (7) Providing moral and ethical guidance for a child.

22 (8) Arranging alternative care for a child by a family
23 member, babysitter, or other child-care provider or
24 facility, including investigating such alternatives,
25 communicating with providers, and supervising such care.

26 "Equitable parent" means a person who, though not a legal

1 parent of a child:

2 (1) is obligated by a court order to pay child support
3 for the child; or

4 (2) is the child's stepparent; or

5 (3) lived with the child for at least 2 years and:

6 (A) during that time (i) had a reasonable,
7 good-faith belief that he or she was the child's
8 biological parent, based on marriage to the child's
9 legal parent or on the actions or representations of
10 the legal parent, and (ii) performed or contributed to
11 the performance of caretaking functions consistent
12 with that belief; and

13 (B) continued to make reasonable, good-faith
14 efforts to accept parental responsibilities with
15 respect to the child if thereafter that belief no
16 longer existed; or

17 (4) lived with the child since the child's birth or for
18 at least 2 years, and held himself out as the child's
19 parent while accepting parental responsibilities, under an
20 agreement with the child's legal parent (or, if there are 2
21 legal parents, both parents) to rear the child together,
22 each with allocated parental rights and responsibilities,
23 provided that a court finds that recognition of the person
24 as a parent is in the child's best interests.

25 "Legal parent" means a biological or adoptive parent of a
26 child.

1 "Parent" means a legal parent or an equitable parent.

2 "Parental responsibilities" means both parenting time and
3 significant decision-making responsibilities with respect to a
4 child.

5 "Parenting time" means the time during which a parent is
6 physically with a child and exercises caretaking functions and
7 non-significant decision-making responsibilities with respect
8 to the child.

9 "Parenting plan" means a written agreement that allocates
10 significant decision-making responsibilities, parenting time,
11 or both.

12 "Relocation" means a change of residence for more than 90
13 days that significantly impairs a parent's ability to exercise
14 the parental responsibilities that the parent has been
15 exercising or is entitled to exercise under a parenting plan or
16 allocation judgment.

17 "Religious upbringing" means the choice of religion or
18 denomination of a religion, religious schooling, religious
19 training, or participation in religious customs or practices.

20 "Residential responsibility" means the amount of time a
21 child spends in a parent's care.

22 "Restriction of parenting time" means any limitation or
23 condition placed on parenting time, including supervision.

24 "Significant decision-making" means deciding issues of
25 long-term importance in the life of a child.

26 "Stepparent" means a person, other than a biological or

1 adoptive parent, who is or was married to a legal parent.

2 "Supervision" means the presence of a third party during a
3 parent's exercise of parenting time.

4 (750 ILCS 5/601.2 new)

5 Sec. 601.2. Jurisdiction; commencement of proceeding.

6 (a) A court of this State that is competent to allocate
7 parental responsibilities has jurisdiction to make such an
8 allocation in original or modification proceedings as provided
9 in Section 201 of the Uniform Child-Custody Jurisdiction and
10 Enforcement Act as adopted by this State.

11 (b) A proceeding for allocation of parental
12 responsibilities with respect to a child is commenced in the
13 court:

14 (1) By a legal parent, by filing a petition for:

15 (A) dissolution of marriage or legal separation or
16 declaration of invalidity of marriage; or

17 (B) allocation of parental responsibilities with
18 respect to the child in the county in which the child
19 resides.

20 (2) By an equitable parent, as defined in Section 600,
21 by filing a petition for allocation of parental
22 responsibilities, if all of the following circumstances
23 are met:

24 (A) a legal parent is deceased or disabled and
25 cannot perform caretaking functions with respect to

1 the child; and

2 (B) it is alleged to be in the child's best
3 interests for the equitable parent to assume or
4 continue exercising parental responsibilities, as
5 provided in Sections 602.5 and 602.7.

6 (3) By an equitable parent, as defined in Section 600,
7 seeking only an allocation of parenting time:

8 (A) if the legal parent and the equitable parent
9 have terminated their relationship; or

10 (B) if the legal parent and the equitable parent
11 are opposing parties in a pending action for
12 dissolution of marriage, legal separation, declaration
13 of invalidity of marriage, or parentage.

14 For purposes of subdivision (b) (3) (A), the
15 relationship between a legal parent and an equitable parent
16 is presumed to have terminated if those parents are
17 residing in separate residences.

18 (c) When a proceeding for allocation of parental
19 responsibilities is commenced, the parent commencing the
20 action must, at least 30 days before any hearing on the
21 petition, serve a written notice and a copy of the petition on
22 the child's parent and on any party previously appearing in any
23 prior proceeding for allocation of parental responsibilities
24 with respect to the child. Nothing in this Section shall
25 preclude a party in a proceeding for allocation of parental
26 responsibilities from moving for a temporary order under

1 Section 602.5.

2 (750 ILCS 5/602.5 new)

3 Sec. 602.5. Allocation of parental responsibilities:
4 decision-making.

5 (a) Generally. The court shall allocate decision-making
6 responsibilities according to the child's best interests.
7 Nothing in this Act requires that every parent be allocated
8 decision-making responsibilities.

9 (b) Allocation of significant decision-making
10 responsibilities. If a legal parent is exercising parental
11 responsibilities with respect to the child, the court shall not
12 allocate significant decision-making responsibilities to an
13 equitable parent as defined in Section 600. Unless the parents
14 otherwise agree in writing on an allocation of significant
15 decision-making responsibilities, the court shall make the
16 determination. The court shall allocate to one or more of the
17 parents the significant decision-making responsibility for
18 each significant issue affecting the child. Those significant
19 issues shall include, without limitation, the following:

20 (1) Education, including the choice of schools and
21 tutors.

22 (2) Health, including all decisions relating to the
23 medical, dental, and psychological needs of the child and
24 to the treatments arising or resulting from those needs.

25 (3) Religion, subject to the following provisions:

1 (A) The court shall allocate parental
2 responsibility for the child's religious upbringing in
3 accordance with any express or implied agreement
4 between the parents.

5 (B) The court shall consider evidence of the
6 parents' past conduct as to the child's religious
7 upbringing in allocating parental responsibilities
8 consistent with demonstrated past conduct in the
9 absence of an express or implied agreement between the
10 parents.

11 (C) The court shall not allocate any aspect of the
12 child's religious upbringing if it determines that the
13 parents do not or did not have an express or implied
14 agreement for such religious upbringing or that there
15 is insufficient evidence to demonstrate a course of
16 conduct regarding the child's religious upbringing
17 that could serve as a basis for any such order.

18 (4) Extracurricular activities.

19 (c) Determination of child's best interests. In
20 determining the child's best interests for purposes of
21 allocating significant decision-making responsibilities, the
22 court shall consider all relevant factors, including, without
23 limitation, the following:

24 (1) The wishes of a child who is sufficiently mature to
25 express reasoned and independent preferences as to
26 significant decisions.

1 (2) The child's adjustment to his or her home, school,
2 and community.

3 (3) The mental and physical health of all individuals
4 involved.

5 (4) The ability of the parents to cooperate to make
6 decisions, or the level of conflict between the parties
7 that may affect their ability to share decision-making.

8 (5) The level of each parent's participation in past
9 significant decision-making with respect to the child.

10 (6) Any prior agreement or course of conduct between
11 the parents relating to decision-making with respect to the
12 child.

13 (7) The wishes of the parents.

14 (8) The child's needs in light of economic, physical,
15 or other circumstances.

16 (9) The distance between the parents' residences, the
17 cost and difficulty of transporting the child, each
18 parent's and the child's daily schedules, and the ability
19 of the parents to cooperate in the arrangement.

20 (10) Whether a restriction on decision-making is
21 appropriate under Section 603.10.

22 (11) The willingness and ability of each parent to
23 facilitate and encourage a close and continuing
24 relationship between the other parent and the child.

25 (12) Any other factor that the court expressly finds to
26 be relevant.

1 (d) If, over the prior 24 months preceding the filing of
2 the petition, or, if the child is under age 2, since the
3 child's birth, each parent has been exercising significant
4 decision-making responsibilities with respect to the child,
5 the court shall presume that it is in the child's best
6 interests to allocate significant decision-making
7 responsibilities to each parent. The presumption shall be
8 overcome if there has been a history of domestic violence or
9 abuse, or if it is shown that an allocation of any significant
10 decision-making responsibilities to one of the parents is not
11 in the child's best interests.

12 (e) A parent shall have sole responsibility for making
13 routine decisions with respect to the child and for emergency
14 decisions affecting the child's health and safety during that
15 parent's parenting time.

16 (f) In allocating significant decision-making
17 responsibilities, the court shall not consider conduct of a
18 parent that does not affect that parent's relationship to the
19 child.

20 (g) An equitable parent who is allocated significant
21 decision-making responsibilities is not entitled to access to
22 the child's school or health care records unless a court finds
23 that it is in the child's best interests to provide those
24 records to the parent.

1 Sec. 602.7. Allocation of parental responsibilities:
2 parenting time.

3 (a) Best interests. The court shall allocate parenting time
4 according to the child's best interests.

5 (b) Allocation of parenting time. Unless the parents
6 present a mutually agreed written and notarized parenting plan
7 and that plan is approved by the court, the court shall
8 allocate parenting time. It is presumed both parents are fit
9 and the court shall not place any restrictions on parenting
10 time as defined in Section 600 and described in Section 603.10
11 unless it finds by a preponderance of the evidence that a
12 parent's exercise of parenting time would seriously endanger
13 the child's physical, mental, moral, or emotional health.

14 In determining the child's best interests for purposes of
15 allocating parenting time, the court shall consider all
16 relevant factors, including, without limitation, the
17 following:

18 (1) The wishes of each parent seeking parenting time.

19 (2) The wishes of a child who is sufficiently mature to
20 express reasoned and independent preferences as to
21 parenting time.

22 (3) The amount of time each parent spent performing
23 caretaking functions with respect to the child in the 24
24 months preceding the filing of any petition for allocation
25 of parental responsibilities or, if the child is under 2
26 years of age, since the child's birth.

1 (4) Any prior agreement or course of conduct between
2 the parents relating to caretaking functions with respect
3 to the child.

4 (5) The interaction and interrelationship of the child
5 with his or her parents and siblings and with any other
6 person who may significantly affect the child's best
7 interests.

8 (6) The child's adjustment to his or her home, school,
9 and community.

10 (7) The mental and physical health of all individuals
11 involved.

12 (8) The child's needs in light of economic, physical,
13 or other circumstances.

14 (9) The distance between the parents' residences, the
15 cost and difficulty of transporting the child, each
16 parent's and the child's daily schedules, and the ability
17 of the parents to cooperate in the arrangement.

18 (10) The occurrence of abuse, whether directed against
19 the child or directed against another person.

20 (11) Whether a restriction on parenting time is
21 appropriate.

22 (12) The physical violence or threat of physical
23 violence by a parent, whether directed against the child or
24 directed against another person.

25 (13) The willingness and ability of each parent to
26 place the needs of the child ahead of his or her own needs.

1 (14) The willingness and ability of each parent to
2 facilitate and encourage a close and continuing
3 relationship between the other parent and the child.

4 (15) Any other factor that the court expressly finds to
5 be relevant.

6 (c) In allocating parenting time, the court shall not
7 consider conduct of a parent that does not affect that parent's
8 relationship to the child.

9 (d) A parent, other than a legal parent, who is allocated
10 parenting time is not entitled to access to the child's school
11 or health care records unless a court finds that it is in the
12 child's best interests to provide those records to the parent.

13 (750 ILCS 5/602.10 new)

14 Sec. 602.10. Parenting plan.

15 (a) Filing of parenting plan. All parents, within 90 days
16 after service or filing of any petition for allocation of
17 parental responsibilities, must file with the court, either
18 jointly or separately, a proposed parenting plan supported by
19 an affidavit or affidavits that comply with subsection (g).

20 (b) No parenting plan filed. In the absence of filing of
21 one or more parenting plans with supporting affidavits, the
22 court must conduct an evidentiary hearing to allocate parental
23 responsibilities.

24 (c) Mediation. The court may order mediation to assist the
25 parents in formulating or modifying a parenting plan or in

1 implementing a parenting plan. The court may allocate the cost
2 of such mediation between the parties.

3 (d) Parents' agreement on parenting plan. The parents may
4 agree on a parenting plan at any time. The parenting plan must
5 be in writing and signed by all parents. The parents must
6 submit the parenting plan to the court for approval within 90
7 days after service of a petition for allocation of parental
8 responsibilities or the filing of an appearance. The parenting
9 plan must be accompanied by a joint affidavit that complies
10 with subsection (g), unless the filing of such an affidavit is
11 excused by the court. If the court does not approve the
12 parenting plan, the court shall make express findings of the
13 reason or reasons for its refusal to approve the plan. The
14 court, on its own motion, may conduct an evidentiary hearing to
15 determine whether the parenting plan is in the child's best
16 interests.

17 (e) Parents cannot agree on parenting plan. When parents
18 fail to submit an agreed parenting plan, there shall be a
19 rebuttable presumption that the child's best interests are
20 served by awarding a time sharing arrangement consisting of an
21 allocation of not less than 35% residential time for each
22 parent. Each parent must file and submit a written, signed
23 parenting plan to the court within 90 days after service of a
24 petition for allocation of parental responsibilities or the
25 filing of an appearance. The plan must be accompanied by a
26 separate affidavit that complies with subsection (g). The

1 filing of the plan and affidavit may be excused by the court
2 if:

3 (1) the parties have commenced mediation for the
4 purpose of formulating a parenting plan; or

5 (2) the parents have agreed in writing to extend the
6 time for filing a proposed plan and supporting affidavit
7 and the court has approved such an extension; or

8 (3) the court orders otherwise for good cause shown.

9 (f) Parenting plan contents. At a minimum, a parenting plan
10 must set forth the following:

11 (1) An allocation of significant decision-making
12 responsibilities.

13 (2) Provisions for the child's living arrangements and
14 for each parent's parenting time, including either:

15 (A) a schedule that designates in which parent's
16 home the minor child will reside on given days; or

17 (B) a formula or method for determining such a
18 schedule in sufficient detail to be enforced in a
19 subsequent proceeding.

20 (3) A mediation provision addressing any proposed
21 revisions or disputes, except that this provision is not
22 required if one parent is allocated all significant
23 decision-making responsibilities.

24 (4) Each parent's right of access to medical, dental,
25 and psychological records (subject to the Mental Health and
26 Developmental Disabilities Confidentiality Act), child

1 care records, and school and extracurricular records,
2 reports, and schedules, unless expressly denied by a court
3 order or denied under subsection (g) of Section 602.5.

4 (5) A designation of the parent who will be denominated
5 as the parent with the majority of the residential
6 responsibility for purposes of Section 606.10.

7 (6) The child's residential address for school
8 enrollment purposes only.

9 (7) Each parent's residence address and phone number,
10 and each parent's place of employment and employment
11 address and phone number.

12 (8) A requirement that a parent changing his or her
13 residence provide at least 60 days prior written notice of
14 the change to any other parent under the parenting plan or
15 allocation judgment, unless such notice is impracticable
16 or unless otherwise ordered by the court. If such notice is
17 impracticable, written notice shall be given at the
18 earliest date practicable. At a minimum, the notice shall
19 set forth the following:

20 (A) The intended date of the change of residence.

21 (B) The address of the new residence.

22 (9) Provisions requiring each parent to notify the
23 other of emergencies, health care, travel plans, or other
24 significant child-related issues.

25 (10) Transportation arrangements between the parents.

26 (11) Provisions for communications with the child

1 during the other parent's parenting time.

2 (12) Provisions for resolving issues arising from a
3 parent's future relocation.

4 (13) Provisions for future modifications of the
5 parenting plan, if specified events occur.

6 (14) Any other provision that addresses the child's
7 best interests or that will otherwise facilitate
8 cooperation between the parents.

9 (g) Affidavit. The affidavit supporting a proposed
10 parenting plan must contain, to the best of the affiant's
11 knowledge, all of the following:

12 (1) The name and address of the child, every parent,
13 and any other person previously appearing in any prior
14 allocation proceeding.

15 (2) The name and address of every person with whom the
16 child has lived for one year or more, and the period of
17 time during which the child and each such person lived
18 together. If the child is less than one year old, the
19 affidavit must contain the name and address of any person
20 with whom the child lived for more than 60 days.

21 (3) A summary of the caretaking functions performed by
22 each person identified under paragraph (2), including such
23 functions performed during at least the 24 months preceding
24 the filing of the action for allocation of parental
25 responsibilities.

26 (4) A schedule of each parent's current hours of

1 employment, availability to perform caretaking functions
2 with respect to the child, existing child care
3 arrangements, and any anticipated changes.

4 (5) A summary schedule of the child's school and
5 extracurricular activities.

6 (6) A summary of any relevant existing risk factors,
7 including orders arising from allegations of abuse and the
8 case number and issuing court.

9 (7) A summary of the known areas of agreement and
10 disagreement between the parents concerning a proposed
11 parenting plan.

12 (h) The court shall select the plan which maximizes the
13 child's relationship and access to both parents. The court
14 retains discretion to determine exceptions to this directive
15 where the individual facts and circumstances warrant. The court
16 shall provide written findings of fact and conclusions of law
17 when making such exceptions.

18 (750 ILCS 5/603.5 new)

19 Sec. 603.5. Temporary orders.

20 (a) A court may order a temporary allocation of parental
21 responsibilities in the child's best interests before the entry
22 of a final allocation judgment. Any such temporary allocation
23 shall be made in accordance with the standards set forth in
24 Sections 602.5 and 602.7 (i) after a hearing or (ii) if there
25 is no objection, on the basis of affidavits that, at a minimum,

1 comply with subsection (e) of Section 602.10.

2 (b) A temporary order allocating parental responsibilities
3 shall be deemed vacated when the action in which it was granted
4 is dismissed, unless a parent moves to continue the action for
5 allocation of parental responsibilities filed under Section
6 601.5.

7 (c) A temporary order allocating parental responsibilities
8 does not preclude access to the child by a parent who has been
9 exercising a reasonable share of caretaking functions with
10 respect to the child, unless a denial of such access is in the
11 child's best interests as determined in accordance with Section
12 602.5.

13 (750 ILCS 5/603.10 new)

14 Sec. 603.10. Restriction of parental responsibilities.

15 (a) After hearing, if the court finds by a preponderance of
16 the evidence that a parent engaged in any conduct that
17 seriously endangered the child's mental, moral, or physical
18 health or that significantly impaired the child's emotional
19 development, the court shall enter orders as necessary to
20 protect the child. Such orders may include, but are not limited
21 to, orders for one or more of the following:

22 (1) A reduction, elimination, or other adjustment of
23 the parent's decision-making responsibilities or parenting
24 time, or both decision-making responsibilities and
25 parenting time.

1 (2) Supervision, including ordering the Department of
2 Children and Family Services to exercise continuing
3 supervision under Section 5 of the Children and Family
4 Services Act to ensure compliance with the allocation
5 judgment.

6 (3) Requiring the exchange of the child between the
7 parents through an intermediary or in a protected setting.

8 (4) Restraining a parent's communication with or
9 proximity to the other parent or the child.

10 (5) Requiring a parent to abstain from possessing or
11 consuming alcohol or non-prescribed drugs while exercising
12 parenting time with the child and within a specified period
13 immediately preceding the exercise of parenting time.

14 (6) Restricting the presence of specific persons while
15 a parent is exercising parenting time with the child.

16 (7) Requiring a parent to post a bond to secure the
17 return of the child following the parent's exercise of
18 parenting time or to secure other performance required by
19 the court.

20 (8) Requiring a parent to complete a treatment program
21 for perpetrators of abuse, for drug or alcohol abuse, or
22 for other behavior that is the basis for restricting
23 parental responsibilities under this Section.

24 (9) Any other constraints or conditions that the court
25 deems necessary to provide for the child's safety or
26 welfare.

1 (b) The court may modify an order restricting parental
2 responsibilities if the court finds, after hearing, by a
3 preponderance of the evidence that a modification is in the
4 child's best interests based on (i) a change of circumstances
5 that occurred after the entry of an order restricting parental
6 responsibilities or (ii) conduct of which the court was
7 previously unaware that seriously endangers the child. In
8 determining whether to modify an order under this subsection,
9 the court must consider factors that include, but need not be
10 limited to, the following:

11 (1) Abuse, neglect, or abandonment of the child.

12 (2) Abusing or allowing abuse of another person that
13 had an impact upon the child.

14 (3) Use of drugs, alcohol, or any other substance in a
15 way that interferes with the parent's ability to perform
16 caretaking functions with respect to the child.

17 (4) Persistent continuing interference with the other
18 parent's access to the child, except for actions taken with
19 a reasonable, good-faith belief that they are necessary to
20 protect the child's safety pending adjudication of the
21 facts underlying that belief, provided that the
22 interfering parent initiates a proceeding to determine
23 those facts as soon as practicable.

24 (c) An order granting parenting time to a parent may be
25 revoked by the court if that parent is found to have knowingly
26 used his or her parenting time to facilitate contact between

1 the child and a parent who has been barred from contact with
2 the child or to have knowingly used his or her parenting time
3 to facilitate contact with the child that violates any
4 restrictions imposed on the parent's parenting time by a court
5 of competent jurisdiction. Nothing in this subsection limits a
6 court's authority to enforce its orders in any other manner
7 authorized by law.

8 (d) An order granting parenting time with a child whose
9 parent is prohibited from contact with the child, or whose
10 parenting time is restricted, shall contain the following
11 provision:

12 "If a parent granted parenting time under this Order
13 uses that time to facilitate contact between the child and
14 a parent whose parenting time is restricted, or if such a
15 parent violates any restrictions placed on his or her
16 parenting time by the court, the parenting time granted
17 under this Order shall be revoked until further order of
18 court."

19 (e) A parent who has been convicted of any offense
20 involving an illegal sex act perpetrated upon a victim less
21 than 18 years of age, including but not limited to an offense
22 under Article 12 of the Criminal Code of 1961, is not entitled
23 to parenting time while incarcerated or while on parole,
24 probation, conditional discharge, periodic imprisonment, or
25 mandatory supervised release for a felony offense, until the
26 parent complies with such terms and conditions as the court

1 determines are in the child's best interests.

2 (f) A parent may not, while the child is present, visit any
3 other parent of the child who has been convicted of first
4 degree murder unless the court finds, after considering all
5 relevant factors, including those set forth in subsection (c)
6 of Section 602.5, that it would be in the child's best
7 interests to allow the child to be present during such a visit.

8 (750 ILCS 5/604.10 new)

9 Sec. 604.10. Interviews; evaluations; investigation.

10 (a) Court's interview of child. The court may interview the
11 child in chambers to ascertain the child's wishes as to the
12 allocation of parental responsibilities. Counsel shall be
13 present at the interview unless otherwise agreed upon by the
14 parties. The entire interview shall be recorded by a court
15 reporter. The transcript of the interview shall be filed under
16 seal and released only upon order of the court. The cost of the
17 court reporter and transcript shall be paid by the court.

18 (b) Court's professional. The court may seek the advice of
19 any professional, whether or not regularly employed by the
20 court, to assist the court in determining the child's best
21 interests. The advice to the court shall be in writing and sent
22 by the professional to counsel for the parties and to the
23 court, under seal. The writing may be admitted into evidence
24 without testimony from its author, unless a party objects. A
25 professional consulted by the court shall testify as the

1 court's witness. The court shall order all costs and fees of
2 the professional to be paid by one or more of the parties,
3 subject to reallocation in accordance with subsection (a) of
4 Section 508.

5 (c) Evaluation by a party's retained professional. In a
6 proceeding to allocate parental responsibilities or to
7 relocate a child from Illinois, upon notice and motion made by
8 a parent or any party to the litigation within a reasonable
9 time before trial, the court shall order an evaluation to
10 assist the court in determining the child's best interests. The
11 evaluation may be in place of or in addition to any advice
12 given to the court by a professional under subsection (b). A
13 motion for an evaluation under this subsection must, at a
14 minimum, identify the proposed evaluator and the evaluator's
15 specialty or discipline. An order for an evaluation under this
16 subsection must set forth the evaluator's name, address, and
17 telephone number and the time, place, conditions, and scope of
18 the evaluation. No person shall be required to travel an
19 unreasonable distance for the evaluation. The party requesting
20 the evaluation shall pay the evaluator's fees and costs unless
21 otherwise ordered by the court.

22 The evaluator's report must, at a minimum, set forth the
23 following:

24 (1) A description of the procedures employed during the
25 evaluation.

26 (2) A report of the data collected.

1 (3) All test results.

2 (4) Any conclusions of the evaluator relating to the
3 allocation of parental responsibilities under Sections
4 602.5 and 602.7.

5 (5) Any recommendations of the evaluator concerning
6 the allocation of parental responsibilities or the child's
7 relocation from Illinois.

8 (6) An explanation of any limitations in the evaluation
9 or any reservations of the evaluator regarding the
10 resulting recommendations.

11 A party who retains a professional to conduct an evaluation
12 under this subsection shall cause the evaluator's written
13 report to be sent to the attorneys of record no less than 60
14 days before the hearing on the allocation of parental
15 responsibilities, unless otherwise ordered by the court; if a
16 party fails to comply with this provision, the court may not
17 admit the evaluator's report into evidence and may not allow
18 the evaluator to testify.

19 The party calling an evaluator to testify at trial shall
20 disclose the evaluator as a controlled expert witness in
21 accordance with the Supreme Court rules.

22 Any party to the litigation may call the evaluator as a
23 witness. That party shall pay the evaluator's fees and costs
24 for testifying, unless otherwise ordered by the court.

25 (d) Investigation. Upon notice and a motion by a parent or
26 any party to the litigation, or upon the court's own motion,

1 the court may order an investigation and report to assist the
2 court in allocating parental responsibilities. The
3 investigation may be made by any child welfare agency approved
4 by the Department of Children and Family Services, but shall
5 not be made by that Department unless the court determines
6 either that there is no child welfare agency available or that
7 no party is financially able to pay for the investigation. The
8 court shall specify the purpose and scope of the investigation.

9 The investigator shall send his or her report to all
10 attorneys of record, and to any party not represented, at least
11 60 days before the hearing on the allocation of parental
12 responsibilities. The court shall examine and consider the
13 investigator's report only after it has been admitted into
14 evidence or after the parties have waived their right to
15 cross-examine the investigator.

16 The investigator shall make available to all attorneys of
17 record, and to any party not represented, the investigator's
18 file, and the names and addresses of all persons whom the
19 investigator has consulted. Any party to the proceeding may
20 call the investigator, or any person consulted by the
21 investigator as a court's witness, for cross-examination. No
22 fees shall be paid for any investigation by a governmental
23 agency. The fees incurred by any other investigator shall be
24 allocated in accordance with Section 508.

25 (e) The Supreme Court of Illinois, through its
26 Administrative Office of the Illinois Courts, shall approve not

1 less than 3 hours of training for all of the following:

2 (1) Any professional whose advice the court seeks under
3 subsection (b) of this Section.

4 (2) Any professional who conducts an evaluation under
5 subsection (c) of this Section.

6 (3) Any individual who conducts an investigation under
7 subsection (d) of this Section.

8 (4) Any guardian ad litem or other individual appointed
9 by the court to represent a child in a proceeding
10 concerning the allocation of parental responsibilities
11 with respect to the child.

12 The training shall include a component on the dynamics of
13 domestic violence and its effect on parents and children.

14 (750 ILCS 5/606.5 new)

15 Sec. 606.5. Hearings.

16 (a) Proceedings to allocate parental responsibilities
17 shall receive priority in being set for hearing.

18 (b) The court, without a jury, shall determine questions of
19 law and fact.

20 (c) Previous statements made by the child relating to any
21 allegations that the child is an abused or neglected child
22 within the meaning of the Abused and Neglected Child Reporting
23 Act, or an abused or neglected minor within the meaning of the
24 Juvenile Court Act of 1987, shall be admissible in evidence in
25 a hearing concerning allocation of parental responsibilities.

1 No such statement, however, if uncorroborated and not subject
2 to cross examination, shall be sufficient in itself to support
3 a finding of abuse or neglect.

4 (d) If the court finds that a public hearing may be
5 detrimental to the child's best interests, the court shall
6 exclude the public from the hearing, but the court may admit
7 any person having:

8 (1) a direct and legitimate interest in the case; or

9 (2) a legitimate educational or research interest in
10 the work of the court, but only with the permission of one
11 of the parties.

12 (e) The court may make an appropriate order sealing the
13 records of any interview, report, investigation, or testimony.

14 (750 ILCS 5/606.10 new)

15 Sec. 606.10. Designation of custodian for purposes of other
16 statutes. Solely for the purposes of all State and federal
17 statutes that require a designation or determination of custody
18 or a custodian, a parenting plan shall designate the parent who
19 is allocated the majority of residential responsibility. This
20 designation shall not affect parents' rights and
21 responsibilities under the parenting plan.

22 (750 ILCS 5/607.5 new)

23 Sec. 607.5. Abuse of allocated parenting time.

24 (a) The court shall provide an expedited procedure for the

1 enforcement of allocated parenting time.

2 (b) An action for the enforcement of allocated parenting
3 time may be commenced by a parent or a person appointed under
4 Section 506 by filing a petition setting forth: (i) the
5 petitioner's name, residence address or mailing address, and
6 phone number; (ii) the respondent's name and place of
7 residence, place of employment, or mailing address; (iii) the
8 terms of the parenting plan or allocation judgment then in
9 effect; (iv) the nature of the violation of the allocation of
10 parenting time, giving dates and other relevant information;
11 and (v) that a reasonable attempt was made to resolve the
12 dispute.

13 (c) If the court finds by a preponderance of the evidence
14 that a parent has not complied with allocated parenting time
15 according to an approved parenting plan or a court order, the
16 court, in the child's best interests, shall issue an order that
17 may include one or more of the following:

18 (1) An imposition of additional terms and conditions
19 consistent with the court's previous allocation of
20 parenting time or other order.

21 (2) A requirement that either or both of the parties
22 attend a parental education program at the expense of the
23 non-complying parent.

24 (3) A requirement that the parties participate in
25 family counseling at the expense of the non-complying
26 parent.

1 (4) A requirement that the non-complying parent post a
2 cash bond or other security to ensure future compliance,
3 including a provision that the bond or other security may
4 be forfeited to the other parent for payment of expenses on
5 behalf of the child as the court shall direct.

6 (5) A requirement that makeup parenting time be
7 provided for the aggrieved parent or child under the
8 following conditions:

9 (A) That such parenting time is of the same type
10 and duration as the parenting time that was denied,
11 including but not limited to parenting time during
12 weekends, on holidays, and on weekdays and during times
13 when the child is not in school.

14 (B) That such parenting time is made up within 6
15 months after the noncompliance occurs, unless the
16 period of time or holiday cannot be made up within 6
17 months, in which case the parenting time shall be made
18 up within one year after the noncompliance occurs.

19 (6) A finding that the non-complying parent is in
20 contempt of court.

21 (7) Imposing on the non-complying parent an
22 appropriate civil fine per incident of denied parenting
23 time.

24 (8) A requirement that the non-complying parent
25 reimburse the other parent for all reasonable expenses
26 incurred as a result of the violation of the parenting plan

1 or court order.

2 (9) Any other provision that may promote the child's
3 best interests.

4 (d) In addition to any other order entered under subsection
5 (c), the court shall order a parent who has failed to provide
6 allocated parenting time or to exercise allocated parenting
7 time to pay the aggrieved party his or her reasonable
8 attorney's fees, court costs, and expenses associated with an
9 action brought under this Section. If the court finds that the
10 respondent in an action brought under this Section has not
11 violated the allocated parenting time, the court may order the
12 petitioner to pay the respondent's reasonable attorney's fees,
13 court costs, and expenses incurred in the action.

14 (e) Nothing in this Section precludes a party from
15 maintaining any other action as provided by law.

16 (750 ILCS 5/609.2 new)

17 Sec. 609.2. Parent's relocation.

18 (a) A parent's relocation constitutes a substantial change
19 in circumstances for purposes of Section 610.5.

20 (b) Only a parent who has been allocated a majority of
21 parenting time may seek to relocate with a child, except that
22 when parents have equal parenting time, either parent may seek
23 to relocate with a child.

24 (c) Any parent intending to relocate must provide at least
25 60 days prior written notice to any other parent under the

1 parenting plan or allocation judgment unless such notice is
2 impracticable (in which case written notice shall be given at
3 the earliest date practicable) or unless otherwise ordered by
4 the court. At a minimum, the notice must set forth the
5 following:

6 (1) The intended date of the parent's relocation.

7 (2) The address of the parent's intended new residence,
8 if known.

9 (3) The specific reasons for the parent's intended
10 relocation.

11 (4) A proposal modifying the parents' parental
12 responsibilities, if necessary, in light of the
13 relocation.

14 (5) If the parent's intended relocation requires a
15 change in the child's school, a statement of how the
16 relocating parent intends to meet the child's educational
17 needs.

18 The court may consider a parent's failure to comply with
19 the notice requirements of this Section without good cause (i)
20 as a factor in determining whether the parent's relocation is
21 in good faith and (ii) as a basis for awarding reasonable
22 attorney's fees and costs resulting from the parent's failure
23 to comply with these provisions.

24 (d) If a parent receives a written notice of the other
25 parent's intent to relocate and objects to the relocation, then
26 no later than 30 days after receiving the notice, the objecting

1 parent must file a petition setting forth objections to the
2 proposed relocation. A petition filed under this subsection
3 shall be expeditiously heard by the court. A parent's failure
4 to file for the relief provided under this subsection
5 constitutes a waiver of that parent's objections to the
6 relocation. If the court finds that objections are made in bad
7 faith, it shall award reasonable attorney's fees and costs to
8 the other party.

9 (e) The court shall modify the parenting plan or allocation
10 judgment to accommodate a parent's relocation as agreed by the
11 parents as long as the agreed modification is in the child's
12 best interests.

13 (f) The court shall modify the parenting plan or allocation
14 judgment to accommodate the relocation without changing the
15 proportion of parental responsibilities between the parties,
16 if practicable, as long as such a modification is in the
17 child's best interests.

18 (g) If a parent's relocation makes it impracticable to
19 maintain the same proportion of parental responsibilities
20 between the parties, the court shall modify the parenting plan
21 or allocation judgment in accordance with the child's best
22 interests. The court shall consider the following factors:

23 (1) The factors set forth in subsection (c) of this
24 Section.

25 (2) The reasons, if any, why a parent is objecting to
26 the intended relocation.

1 (3) The history and quality of each parent's
2 relationship with the child since the implementation of any
3 previous parenting plan or allocation judgment.

4 (4) The educational opportunities for the child at the
5 existing location and at the proposed new location.

6 (5) The presence or absence of extended family at the
7 existing location and at the proposed new location.

8 (6) The anticipated impact of the relocation on the
9 child.

10 (7) Whether the court will be able to fashion a
11 reasonable allocation of parental responsibilities between
12 all parents if the relocation occurs.

13 (8) The wishes of the child after taking into
14 consideration the child's age and maturity.

15 (9) Whether the intended relocation is valid, in good
16 faith, and to a location that is reasonable in light of the
17 purpose.

18 (10) Possible arrangements for the exercise of
19 parental responsibilities appropriate to the parents'
20 resources and circumstances and the developmental level of
21 the child.

22 (11) Minimization of the impairment to a parent-child
23 relationship caused by a parent's relocation.

24 (12) Any other relevant factors bearing on the child's
25 best interests.

26 (h) Unless the non-relocating parent demonstrates that a

1 reallocation of parental responsibilities is necessary to
2 prevent harm to the child, the court shall deny the
3 non-relocating parent's request for a reallocation of parental
4 responsibilities based on relocation if the non-relocating
5 parent either:

6 (1) failed to object to the relocation within the time
7 allowed; or

8 (2) has substantially failed or refused to exercise the
9 parental responsibilities allocated to him or her under the
10 parenting plan or allocation judgment.

11 (750 ILCS 5/610.5 new)

12 Sec. 610.5. Modification.

13 (a) Except in a case concerning the modification of any
14 restriction of parental responsibilities under Section 603.10,
15 the court shall modify a parenting plan or allocation judgment
16 when necessary to serve the child's best interests if the court
17 finds, by a preponderance of the evidence, that:

18 (1) on the basis of facts that have arisen since the
19 entry of the existing parenting plan or allocation judgment
20 or were not anticipated therein, a substantial change has
21 occurred in the circumstances of the child or of any parent
22 and that a modification is necessary to serve the child's
23 best interests; or

24 (2) the existing allocation of parental
25 responsibilities seriously endangers the child's physical,

1 mental, moral, or emotional health.

2 (b) The court shall modify a parenting plan or allocation
3 judgment in accordance with a parental agreement, unless it
4 finds that the modification is not in the child's best
5 interests.

6 (c) The court may modify a parenting plan or allocation
7 judgment without a showing of changed circumstances if (i) the
8 modification is in the child's best interests and (ii) any of
9 the following are proven as to the modification:

10 (1) The modification reflects the actual arrangement
11 under which the child has been receiving care, without
12 parental objection, for the 6 months preceding the filing
13 of the petition for modification, provided that the
14 arrangement is not the result of a parent's acquiescence
15 resulting from circumstances that negated the parent's
16 ability to give meaningful consent.

17 (2) The modification constitutes a minor modification
18 in the parenting plan or allocation judgment.

19 (3) The modification is necessary to modify an agreed
20 parenting plan or allocation judgment that the court would
21 not have ordered or approved under Section 602.5 or 602.7
22 had the court been aware of the circumstances at the time
23 of the order or approval.

24 (d) Attorney's fees and costs shall be assessed against a
25 party seeking modification if the court finds that the
26 modification action is vexatious or constitutes harassment.

1 (750 ILCS 5/612 new)

2 Sec. 612. Application of provisions concerning allocation
3 of parental responsibilities.

4 (a) The changes made by this amendatory Act of the 97th
5 General Assembly apply to all proceedings commenced on or after
6 the effective date of this amendatory Act of the 97th General
7 Assembly.

8 (b) The changes made by this amendatory Act of the 97th
9 General Assembly apply to all actions pending on the effective
10 date of this amendatory Act of the 97th General Assembly and to
11 all proceedings commenced before that effective date with
12 respect to issues on which a judgment has not been entered.
13 Evidence adduced after the effective date of this amendatory
14 Act of the 97th General Assembly shall comply with the changes
15 made by this amendatory Act of the 97th General Assembly.

16 (c) The changes made by this amendatory Act of the 97th
17 General Assembly apply to all proceedings commenced on or after
18 the effective date of this amendatory Act of the 97th General
19 Assembly for the modification of a judgment or order entered
20 before that effective date.

21 (d) In any action or proceeding in which an appeal was
22 pending or a new trial was ordered before the effective date of
23 this amendatory Act of the 97th General Assembly, the law in
24 effect at the time of the order sustaining the appeal or the
25 new trial governs the appeal, the new trial, and any subsequent

1 trial or appeal.

2 (750 ILCS 5/601 rep.)

3 (750 ILCS 5/601.5 rep.)

4 (750 ILCS 5/602 rep.)

5 (750 ILCS 5/602.1 rep.)

6 (750 ILCS 5/603 rep.)

7 (750 ILCS 5/604 rep.)

8 (750 ILCS 5/604.5 rep.)

9 (750 ILCS 5/605 rep.)

10 (750 ILCS 5/606 rep.)

11 (750 ILCS 5/607 rep.)

12 (750 ILCS 5/607.1 rep.)

13 (750 ILCS 5/608 rep.)

14 (750 ILCS 5/609 rep.)

15 (750 ILCS 5/610 rep.)

16 (750 ILCS 5/611 rep.)

17 Section 16. The Illinois Marriage and Dissolution of
18 Marriage Act is amended by repealing Sections 601, 601.5, 602,
19 602.1, 603, 604, 604.5, 605, 606, 607, 607.1, 608, 609, 610,
20 and 611.

21 Section 20. The Illinois Parentage Act of 1984 is amended
22 by changing Section 16 as follows:

23 (750 ILCS 45/16) (from Ch. 40, par. 2516)

1 Sec. 16. Modification of Judgment. The court has continuing
2 jurisdiction to modify an order for support or for allocation
3 of decision-making parental responsibilities or parenting time
4 or accommodating a parent's relocation ~~, custody, visitation,~~
5 ~~or removal~~ included in a judgment entered under this Act. Any
6 modification of a judgment allocating decision-making
7 responsibilities or parenting time or accommodating a parent's
8 relocation ~~custody, visitation, or removal~~ ~~judgment~~
9 ~~modification~~ shall be in accordance with the relevant factors
10 specified in the Illinois Marriage and Dissolution of Marriage
11 Act, including Section 609.2 ~~609~~. Any support judgment is
12 subject to modification or termination only in accordance with
13 Section 510 of the Illinois Marriage and Dissolution of
14 Marriage Act.

15 (Source: P.A. 93-139, eff. 7-10-03.)

16 Section 25. The Illinois Domestic Violence Act of 1986 is
17 amended by changing Sections 214 and 223 as follows:

18 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

19 Sec. 214. Order of protection; remedies.

20 (a) Issuance of order. If the court finds that petitioner
21 has been abused by a family or household member or that
22 petitioner is a high-risk adult who has been abused, neglected,
23 or exploited, as defined in this Act, an order of protection
24 prohibiting the abuse, neglect, or exploitation shall issue;

1 provided that petitioner must also satisfy the requirements of
2 one of the following Sections, as appropriate: Section 217 on
3 emergency orders, Section 218 on interim orders, or Section 219
4 on plenary orders. Petitioner shall not be denied an order of
5 protection because petitioner or respondent is a minor. The
6 court, when determining whether or not to issue an order of
7 protection, shall not require physical manifestations of abuse
8 on the person of the victim. Modification and extension of
9 prior orders of protection shall be in accordance with this
10 Act.

11 (b) Remedies and standards. The remedies to be included in
12 an order of protection shall be determined in accordance with
13 this Section and one of the following Sections, as appropriate:
14 Section 217 on emergency orders, Section 218 on interim orders,
15 and Section 219 on plenary orders. The remedies listed in this
16 subsection shall be in addition to other civil or criminal
17 remedies available to petitioner.

18 (1) Prohibition of abuse, neglect, or exploitation.
19 Prohibit respondent's harassment, interference with
20 personal liberty, intimidation of a dependent, physical
21 abuse, or willful deprivation, neglect or exploitation, as
22 defined in this Act, or stalking of the petitioner, as
23 defined in Section 12-7.3 of the Criminal Code of 1961, if
24 such abuse, neglect, exploitation, or stalking has
25 occurred or otherwise appears likely to occur if not
26 prohibited.

1 (2) Grant of exclusive possession of residence.
2 Prohibit respondent from entering or remaining in any
3 residence, household, or premises of the petitioner,
4 including one owned or leased by respondent, if petitioner
5 has a right to occupancy thereof. The grant of exclusive
6 possession of the residence, household, or premises shall
7 not affect title to real property, nor shall the court be
8 limited by the standard set forth in Section 701 of the
9 Illinois Marriage and Dissolution of Marriage Act.

10 (A) Right to occupancy. A party has a right to
11 occupancy of a residence or household if it is solely
12 or jointly owned or leased by that party, that party's
13 spouse, a person with a legal duty to support that
14 party or a minor child in that party's care, or by any
15 person or entity other than the opposing party that
16 authorizes that party's occupancy (e.g., a domestic
17 violence shelter). Standards set forth in subparagraph
18 (B) shall not preclude equitable relief.

19 (B) Presumption of hardships. If petitioner and
20 respondent each has the right to occupancy of a
21 residence or household, the court shall balance (i) the
22 hardships to respondent and any minor child or
23 dependent adult in respondent's care resulting from
24 entry of this remedy with (ii) the hardships to
25 petitioner and any minor child or dependent adult in
26 petitioner's care resulting from continued exposure to

1 the risk of abuse (should petitioner remain at the
2 residence or household) or from loss of possession of
3 the residence or household (should petitioner leave to
4 avoid the risk of abuse). When determining the balance
5 of hardships, the court shall also take into account
6 the accessibility of the residence or household.
7 Hardships need not be balanced if respondent does not
8 have a right to occupancy.

9 The balance of hardships is presumed to favor
10 possession by petitioner unless the presumption is
11 rebutted by a preponderance of the evidence, showing
12 that the hardships to respondent substantially
13 outweigh the hardships to petitioner and any minor
14 child or dependent adult in petitioner's care. The
15 court, on the request of petitioner or on its own
16 motion, may order respondent to provide suitable,
17 accessible, alternate housing for petitioner instead
18 of excluding respondent from a mutual residence or
19 household.

20 (3) Stay away order and additional prohibitions. Order
21 respondent to stay away from petitioner or any other person
22 protected by the order of protection, or prohibit
23 respondent from entering or remaining present at
24 petitioner's school, place of employment, or other
25 specified places at times when petitioner is present, or
26 both, if reasonable, given the balance of hardships.

1 Hardships need not be balanced for the court to enter a
2 stay away order or prohibit entry if respondent has no
3 right to enter the premises.

4 If an order of protection grants petitioner exclusive
5 possession of the residence, or prohibits respondent from
6 entering the residence, or orders respondent to stay away
7 from petitioner or other protected persons, then the court
8 may allow respondent access to the residence to remove
9 items of clothing and personal adornment used exclusively
10 by respondent, medications, and other items as the court
11 directs. The right to access shall be exercised on only one
12 occasion as the court directs and in the presence of an
13 agreed-upon adult third party or law enforcement officer.

14 (4) Counseling. Require or recommend the respondent to
15 undergo counseling for a specified duration with a social
16 worker, psychologist, clinical psychologist, psychiatrist,
17 family service agency, alcohol or substance abuse program,
18 mental health center guidance counselor, agency providing
19 services to elders, program designed for domestic violence
20 abusers or any other guidance service the court deems
21 appropriate. The Court may order the respondent in any
22 intimate partner relationship to report to an Illinois
23 Department of Human Services protocol approved partner
24 abuse intervention program for an assessment and to follow
25 all recommended treatment.

26 (5) Physical care and possession of the minor child. In

1 order to protect the minor child from abuse, neglect, or
2 unwarranted separation from the person who has been the
3 minor child's primary caretaker, or to otherwise protect
4 the well-being of the minor child, the court may do either
5 or both of the following: (i) grant petitioner physical
6 care or possession of the minor child, or both, or (ii)
7 order respondent to return a minor child to, or not remove
8 a minor child from, the physical care of a parent or person
9 in loco parentis.

10 If a court finds, after a hearing, that respondent has
11 committed abuse (as defined in Section 103) of a minor
12 child, there shall be a rebuttable presumption that
13 awarding physical care to respondent would not be in the
14 minor child's best interest.

15 (6) Temporary allocation of parental responsibilities
16 ~~legal custody~~. Award temporary parental responsibility
17 ~~legal custody~~ to petitioner in accordance with this
18 Section, the Illinois Marriage and Dissolution of Marriage
19 Act, the Illinois Parentage Act of 1984, and this State's
20 Uniform Child-Custody Jurisdiction and Enforcement Act.

21 If a court finds, after a hearing, that respondent has
22 committed abuse (as defined in Section 103) of a minor
23 child, there shall be a rebuttable presumption that
24 awarding temporary parental responsibility ~~legal custody~~
25 to respondent would not be in the child's best interest.

26 (7) Parenting time Visitation. Determine the parenting

1 ~~time visitation rights~~, if any, of respondent in any case
2 in which the court awards physical care or allocates
3 temporary parental responsibility ~~legal custody~~ of a minor
4 child to petitioner. The court shall restrict or deny
5 respondent's visitation with a minor child if the court
6 finds that respondent has done or is likely to do any of
7 the following: (i) abuse or endanger the minor child during
8 parenting time visitation; (ii) use the parenting time
9 ~~visitation~~ as an opportunity to abuse or harass petitioner
10 or petitioner's family or household members; (iii)
11 improperly conceal or detain the minor child; or (iv)
12 otherwise act in a manner that is not in the best interests
13 of the minor child. The court shall not be limited by the
14 standards set forth in Section 603.10 ~~607.1~~ of the Illinois
15 Marriage and Dissolution of Marriage Act. If the court
16 grants parenting time visitation, the order shall specify
17 dates and times for the parenting time visitation to take
18 place or other specific parameters or conditions that are
19 appropriate. No order for parenting time visitation shall
20 refer merely to the term "reasonable parenting time
21 ~~visitation~~".

22 Petitioner may deny respondent access to the minor
23 child if, when respondent arrives for parenting time
24 ~~visitation~~, respondent is under the influence of drugs or
25 alcohol and constitutes a threat to the safety and
26 well-being of petitioner or petitioner's minor children or

1 is behaving in a violent or abusive manner.

2 If necessary to protect any member of petitioner's
3 family or household from future abuse, respondent shall be
4 prohibited from coming to petitioner's residence to meet
5 the minor child for parenting time ~~visitation~~, and the
6 parties shall submit to the court their recommendations for
7 reasonable alternative arrangements for parenting time
8 ~~visitation~~. A person may be approved to supervise parenting
9 time ~~visitation~~ only after filing an affidavit accepting
10 that responsibility and acknowledging accountability to
11 the court.

12 (8) Removal or concealment of minor child. Prohibit
13 respondent from removing a minor child from the State or
14 concealing the child within the State.

15 (9) Order to appear. Order the respondent to appear in
16 court, alone or with a minor child, to prevent abuse,
17 neglect, removal or concealment of the child, to return the
18 child to the custody or care of the petitioner or to permit
19 any court-ordered interview or examination of the child or
20 the respondent.

21 (10) Possession of personal property. Grant petitioner
22 exclusive possession of personal property and, if
23 respondent has possession or control, direct respondent to
24 promptly make it available to petitioner, if:

25 (i) petitioner, but not respondent, owns the
26 property; or

1 (ii) the parties own the property jointly; sharing
2 it would risk abuse of petitioner by respondent or is
3 impracticable; and the balance of hardships favors
4 temporary possession by petitioner.

5 If petitioner's sole claim to ownership of the property
6 is that it is marital property, the court may award
7 petitioner temporary possession thereof under the
8 standards of subparagraph (ii) of this paragraph only if a
9 proper proceeding has been filed under the Illinois
10 Marriage and Dissolution of Marriage Act, as now or
11 hereafter amended.

12 No order under this provision shall affect title to
13 property.

14 (11) Protection of property. Forbid the respondent
15 from taking, transferring, encumbering, concealing,
16 damaging or otherwise disposing of any real or personal
17 property, except as explicitly authorized by the court, if:

18 (i) petitioner, but not respondent, owns the
19 property; or

20 (ii) the parties own the property jointly, and the
21 balance of hardships favors granting this remedy.

22 If petitioner's sole claim to ownership of the property
23 is that it is marital property, the court may grant
24 petitioner relief under subparagraph (ii) of this
25 paragraph only if a proper proceeding has been filed under
26 the Illinois Marriage and Dissolution of Marriage Act, as

1 now or hereafter amended.

2 The court may further prohibit respondent from
3 improperly using the financial or other resources of an
4 aged member of the family or household for the profit or
5 advantage of respondent or of any other person.

6 (11.5) Protection of animals. Grant the petitioner the
7 exclusive care, custody, or control of any animal owned,
8 possessed, leased, kept, or held by either the petitioner
9 or the respondent or a minor child residing in the
10 residence or household of either the petitioner or the
11 respondent and order the respondent to stay away from the
12 animal and forbid the respondent from taking,
13 transferring, encumbering, concealing, harming, or
14 otherwise disposing of the animal.

15 (12) Order for payment of support. Order respondent to
16 pay temporary support for the petitioner or any child in
17 the petitioner's care or over whom the petitioner has been
18 allocated parental responsibility ~~custody~~, when the
19 respondent has a legal obligation to support that person,
20 in accordance with the Illinois Marriage and Dissolution of
21 Marriage Act, which shall govern, among other matters, the
22 amount of support, payment through the clerk and
23 withholding of income to secure payment. An order for child
24 support may be granted to a petitioner with lawful physical
25 care ~~or custody~~ of a child, or an order or agreement for
26 physical care of a child ~~or custody~~, prior to entry of an

1 order allocating parental responsibility ~~for legal~~
2 ~~custody~~. Such a support order shall expire upon entry of a
3 valid order allocating parental responsibility differently
4 ~~granting legal custody to another~~, unless otherwise
5 provided in the custody order.

6 (13) Order for payment of losses. Order respondent to
7 pay petitioner for losses suffered as a direct result of
8 the abuse, neglect, or exploitation. Such losses shall
9 include, but not be limited to, medical expenses, lost
10 earnings or other support, repair or replacement of
11 property damaged or taken, reasonable attorney's fees,
12 court costs and moving or other travel expenses, including
13 additional reasonable expenses for temporary shelter and
14 restaurant meals.

15 (i) Losses affecting family needs. If a party is
16 entitled to seek maintenance, child support or
17 property distribution from the other party under the
18 Illinois Marriage and Dissolution of Marriage Act, as
19 now or hereafter amended, the court may order
20 respondent to reimburse petitioner's actual losses, to
21 the extent that such reimbursement would be
22 "appropriate temporary relief", as authorized by
23 subsection (a) (3) of Section 501 of that Act.

24 (ii) Recovery of expenses. In the case of an
25 improper concealment or removal of a minor child, the
26 court may order respondent to pay the reasonable

1 expenses incurred or to be incurred in the search for
2 and recovery of the minor child, including but not
3 limited to legal fees, court costs, private
4 investigator fees, and travel costs.

5 (14) Prohibition of entry. Prohibit the respondent
6 from entering or remaining in the residence or household
7 while the respondent is under the influence of alcohol or
8 drugs and constitutes a threat to the safety and well-being
9 of the petitioner or the petitioner's children.

10 (14.5) Prohibition of firearm possession.

11 (a) When a complaint is made under a request for an
12 order of protection, that the respondent has
13 threatened or is likely to use firearms illegally
14 against the petitioner, the court shall examine on oath
15 the petitioner, and any witnesses who may be produced.
16 If the court is satisfied that there is any danger of
17 the illegal use of firearms, and the respondent is
18 present in court, it shall issue an order that any
19 firearms and any Firearm Owner's Identification Card
20 in the possession of the respondent, except as provided
21 in subsection (b), be turned over to the local law
22 enforcement agency for safekeeping. If the court is
23 satisfied that there is any danger of the illegal use
24 of firearms, and if the respondent is not present in
25 court, the court shall issue a warrant for seizure of
26 any firearm and Firearm Owner's Identification Card in

1 the possession of the respondent, to be kept by the
2 local law enforcement agency for safekeeping, except
3 as provided in subsection (b). The period of
4 safekeeping shall be for a stated period of time not to
5 exceed 2 years. The firearm or firearms and Firearm
6 Owner's Identification Card shall be returned to the
7 respondent at the end of the stated period or at
8 expiration of the order of protection, whichever is
9 sooner.

10 (b) If the respondent is a peace officer as defined
11 in Section 2-13 of the Criminal Code of 1961, the court
12 shall order that any firearms used by the respondent in
13 the performance of his or her duties as a peace officer
14 be surrendered to the chief law enforcement executive
15 of the agency in which the respondent is employed, who
16 shall retain the firearms for safekeeping for the
17 stated period not to exceed 2 years as set forth in the
18 court order.

19 (c) Upon expiration of the period of safekeeping,
20 if the firearms or Firearm Owner's Identification Card
21 cannot be returned to respondent because respondent
22 cannot be located, fails to respond to requests to
23 retrieve the firearms, or is not lawfully eligible to
24 possess a firearm, upon petition from the local law
25 enforcement agency, the court may order the local law
26 enforcement agency to destroy the firearms, use the

1 firearms for training purposes, or for any other
2 application as deemed appropriate by the local law
3 enforcement agency; or that the firearms be turned over
4 to a third party who is lawfully eligible to possess
5 firearms, and who does not reside with respondent.

6 (15) Prohibition of access to records. If an order of
7 protection prohibits respondent from having contact with
8 the minor child, or if petitioner's address is omitted
9 under subsection (b) of Section 203, or if necessary to
10 prevent abuse or wrongful removal or concealment of a minor
11 child, the order shall deny respondent access to, and
12 prohibit respondent from inspecting, obtaining, or
13 attempting to inspect or obtain, school or any other
14 records of the minor child who is in the care of
15 petitioner.

16 (16) Order for payment of shelter services. Order
17 respondent to reimburse a shelter providing temporary
18 housing and counseling services to the petitioner for the
19 cost of the services, as certified by the shelter and
20 deemed reasonable by the court.

21 (17) Order for injunctive relief. Enter injunctive
22 relief necessary or appropriate to prevent further abuse of
23 a family or household member or further abuse, neglect, or
24 exploitation of a high-risk adult with disabilities or to
25 effectuate one of the granted remedies, if supported by the
26 balance of hardships. If the harm to be prevented by the

1 injunction is abuse or any other harm that one of the
2 remedies listed in paragraphs (1) through (16) of this
3 subsection is designed to prevent, no further evidence is
4 necessary that the harm is an irreparable injury.

5 (c) Relevant factors; findings.

6 (1) In determining whether to grant a specific remedy,
7 other than payment of support, the court shall consider
8 relevant factors, including but not limited to the
9 following:

10 (i) the nature, frequency, severity, pattern and
11 consequences of the respondent's past abuse, neglect
12 or exploitation of the petitioner or any family or
13 household member, including the concealment of his or
14 her location in order to evade service of process or
15 notice, and the likelihood of danger of future abuse,
16 neglect, or exploitation to petitioner or any member of
17 petitioner's or respondent's family or household; and

18 (ii) the danger that any minor child will be abused
19 or neglected or improperly relocated ~~removed~~ from the
20 jurisdiction, improperly concealed within the State or
21 improperly separated from the child's primary
22 caretaker.

23 (2) In comparing relative hardships resulting to the
24 parties from loss of possession of the family home, the
25 court shall consider relevant factors, including but not
26 limited to the following:

1 (i) availability, accessibility, cost, safety,
2 adequacy, location and other characteristics of
3 alternate housing for each party and any minor child or
4 dependent adult in the party's care;

5 (ii) the effect on the party's employment; and

6 (iii) the effect on the relationship of the party,
7 and any minor child or dependent adult in the party's
8 care, to family, school, church and community.

9 (3) Subject to the exceptions set forth in paragraph
10 (4) of this subsection, the court shall make its findings
11 in an official record or in writing, and shall at a minimum
12 set forth the following:

13 (i) That the court has considered the applicable
14 relevant factors described in paragraphs (1) and (2) of
15 this subsection.

16 (ii) Whether the conduct or actions of respondent,
17 unless prohibited, will likely cause irreparable harm
18 or continued abuse.

19 (iii) Whether it is necessary to grant the
20 requested relief in order to protect petitioner or
21 other alleged abused persons.

22 (4) For purposes of issuing an ex parte emergency order
23 of protection, the court, as an alternative to or as a
24 supplement to making the findings described in paragraphs
25 (c) (3) (i) through (c) (3) (iii) of this subsection, may use
26 the following procedure:

1 When a verified petition for an emergency order of
2 protection in accordance with the requirements of Sections
3 203 and 217 is presented to the court, the court shall
4 examine petitioner on oath or affirmation. An emergency
5 order of protection shall be issued by the court if it
6 appears from the contents of the petition and the
7 examination of petitioner that the averments are
8 sufficient to indicate abuse by respondent and to support
9 the granting of relief under the issuance of the emergency
10 order of protection.

11 (5) Never married parties. No rights or
12 responsibilities for a minor child born outside of marriage
13 attach to a putative father until a father and child
14 relationship has been established under the Illinois
15 Parentage Act of 1984, the Illinois Public Aid Code,
16 Section 12 of the Vital Records Act, the Juvenile Court Act
17 of 1987, the Probate Act of 1985, the Revised Uniform
18 Reciprocal Enforcement of Support Act, the Uniform
19 Interstate Family Support Act, the Expedited Child Support
20 Act of 1990, any judicial, administrative, or other act of
21 another state or territory, any other Illinois statute, or
22 by any foreign nation establishing the father and child
23 relationship, any other proceeding substantially in
24 conformity with the Personal Responsibility and Work
25 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),
26 or where both parties appeared in open court or at an

1 administrative hearing acknowledging under oath or
2 admitting by affirmation the existence of a father and
3 child relationship. Absent such an adjudication, finding,
4 or acknowledgement, no putative father shall be granted
5 temporary allocation of parental responsibilities,
6 including parenting time ~~custody of the minor child,~~
7 ~~visitation~~ with the minor child, or physical care and
8 possession of the minor child, nor shall an order of
9 payment for support of the minor child be entered.

10 (d) Balance of hardships; findings. If the court finds that
11 the balance of hardships does not support the granting of a
12 remedy governed by paragraph (2), (3), (10), (11), or (16) of
13 subsection (b) of this Section, which may require such
14 balancing, the court's findings shall so indicate and shall
15 include a finding as to whether granting the remedy will result
16 in hardship to respondent that would substantially outweigh the
17 hardship to petitioner from denial of the remedy. The findings
18 shall be an official record or in writing.

19 (e) Denial of remedies. Denial of any remedy shall not be
20 based, in whole or in part, on evidence that:

21 (1) Respondent has cause for any use of force, unless
22 that cause satisfies the standards for justifiable use of
23 force provided by Article VII of the Criminal Code of 1961;

24 (2) Respondent was voluntarily intoxicated;

25 (3) Petitioner acted in self-defense or defense of
26 another, provided that, if petitioner utilized force, such

1 force was justifiable under Article VII of the Criminal
2 Code of 1961;

3 (4) Petitioner did not act in self-defense or defense
4 of another;

5 (5) Petitioner left the residence or household to avoid
6 further abuse, neglect, or exploitation by respondent;

7 (6) Petitioner did not leave the residence or household
8 to avoid further abuse, neglect, or exploitation by
9 respondent;

10 (7) Conduct by any family or household member excused
11 the abuse, neglect, or exploitation by respondent, unless
12 that same conduct would have excused such abuse, neglect,
13 or exploitation if the parties had not been family or
14 household members.

15 (Source: P.A. 95-234, eff. 1-1-08; 95-773, eff. 1-1-09; 96-701,
16 eff. 1-1-10; 96-1239, eff. 1-1-11.)

17 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

18 Sec. 223. Enforcement of orders of protection.

19 (a) When violation is crime. A violation of any order of
20 protection, whether issued in a civil or criminal proceeding,
21 shall be enforced by a criminal court when:

22 (1) The respondent commits the crime of violation of an
23 order of protection pursuant to Section 12-30 of the
24 Criminal Code of 1961, by having knowingly violated:

25 (i) remedies described in paragraphs (1), (2),

1 (3), (14), or (14.5) of subsection (b) of Section 214
2 of this Act; or

3 (ii) a remedy, which is substantially similar to
4 the remedies authorized under paragraphs (1), (2),
5 (3), (14), and (14.5) of subsection (b) of Section 214
6 of this Act, in a valid order of protection which is
7 authorized under the laws of another state, tribe, or
8 United States territory; or

9 (iii) any other remedy when the act constitutes a
10 crime against the protected parties as defined by the
11 Criminal Code of 1961.

12 Prosecution for a violation of an order of protection
13 shall not bar concurrent prosecution for any other crime,
14 including any crime that may have been committed at the
15 time of the violation of the order of protection; or

16 (2) The respondent commits the crime of child abduction
17 pursuant to Section 10-5 of the Criminal Code of 1961, by
18 having knowingly violated:

19 (i) remedies described in paragraphs (5), (6) or
20 (8) of subsection (b) of Section 214 of this Act; or

21 (ii) a remedy, which is substantially similar to
22 the remedies authorized under paragraphs (5), (6), or
23 (8) of subsection (b) of Section 214 of this Act, in a
24 valid order of protection which is authorized under the
25 laws of another state, tribe, or United States
26 territory.

1 (b) When violation is contempt of court. A violation of any
2 valid Illinois order of protection, whether issued in a civil
3 or criminal proceeding, may be enforced through civil or
4 criminal contempt procedures, as appropriate, by any court with
5 jurisdiction, regardless where the act or acts which violated
6 the order of protection were committed, to the extent
7 consistent with the venue provisions of this Act. Nothing in
8 this Act shall preclude any Illinois court from enforcing any
9 valid order of protection issued in another state. Illinois
10 courts may enforce orders of protection through both criminal
11 prosecution and contempt proceedings, unless the action which
12 is second in time is barred by collateral estoppel or the
13 constitutional prohibition against double jeopardy.

14 (1) In a contempt proceeding where the petition for a
15 rule to show cause sets forth facts evidencing an immediate
16 danger that the respondent will flee the jurisdiction,
17 conceal a child, or inflict physical abuse on the
18 petitioner or minor children or on dependent adults in
19 petitioner's care, the court may order the attachment of
20 the respondent without prior service of the rule to show
21 cause or the petition for a rule to show cause. Bond shall
22 be set unless specifically denied in writing.

23 (2) A petition for a rule to show cause for violation
24 of an order of protection shall be treated as an expedited
25 proceeding.

26 (c) Violation of custody or support orders or temporary or

1 final judgments allocating parental responsibilities. A
2 violation of remedies described in paragraphs (5), (6), (8), or
3 (9) of subsection (b) of Section 214 of this Act may be
4 enforced by any remedy provided by Section 607.5 ~~611~~ of the
5 Illinois Marriage and Dissolution of Marriage Act. The court
6 may enforce any order for support issued under paragraph (12)
7 of subsection (b) of Section 214 in the manner provided for
8 under Parts V and VII of the Illinois Marriage and Dissolution
9 of Marriage Act.

10 (d) Actual knowledge. An order of protection may be
11 enforced pursuant to this Section if the respondent violates
12 the order after the respondent has actual knowledge of its
13 contents as shown through one of the following means:

14 (1) By service, delivery, or notice under Section 210.

15 (2) By notice under Section 210.1 or 211.

16 (3) By service of an order of protection under Section
17 222.

18 (4) By other means demonstrating actual knowledge of
19 the contents of the order.

20 (e) The enforcement of an order of protection in civil or
21 criminal court shall not be affected by either of the
22 following:

23 (1) The existence of a separate, correlative order,
24 entered under Section 215.

25 (2) Any finding or order entered in a conjoined
26 criminal proceeding.

1 (f) Circumstances. The court, when determining whether or
2 not a violation of an order of protection has occurred, shall
3 not require physical manifestations of abuse on the person of
4 the victim.

5 (g) Penalties.

6 (1) Except as provided in paragraph (3) of this
7 subsection, where the court finds the commission of a crime
8 or contempt of court under subsections (a) or (b) of this
9 Section, the penalty shall be the penalty that generally
10 applies in such criminal or contempt proceedings, and may
11 include one or more of the following: incarceration,
12 payment of restitution, a fine, payment of attorneys' fees
13 and costs, or community service.

14 (2) The court shall hear and take into account evidence
15 of any factors in aggravation or mitigation before deciding
16 an appropriate penalty under paragraph (1) of this
17 subsection.

18 (3) To the extent permitted by law, the court is
19 encouraged to:

20 (i) increase the penalty for the knowing violation
21 of any order of protection over any penalty previously
22 imposed by any court for respondent's violation of any
23 order of protection or penal statute involving
24 petitioner as victim and respondent as defendant;

25 (ii) impose a minimum penalty of 24 hours
26 imprisonment for respondent's first violation of any

1 order of protection; and

2 (iii) impose a minimum penalty of 48 hours
3 imprisonment for respondent's second or subsequent
4 violation of an order of protection

5 unless the court explicitly finds that an increased penalty
6 or that period of imprisonment would be manifestly unjust.

7 (4) In addition to any other penalties imposed for a
8 violation of an order of protection, a criminal court may
9 consider evidence of any violations of an order of
10 protection:

11 (i) to increase, revoke or modify the bail bond on
12 an underlying criminal charge pursuant to Section
13 110-6 of the Code of Criminal Procedure of 1963;

14 (ii) to revoke or modify an order of probation,
15 conditional discharge or supervision, pursuant to
16 Section 5-6-4 of the Unified Code of Corrections;

17 (iii) to revoke or modify a sentence of periodic
18 imprisonment, pursuant to Section 5-7-2 of the Unified
19 Code of Corrections.

20 (5) In addition to any other penalties, the court shall
21 impose an additional fine of \$20 as authorized by Section
22 5-9-1.11 of the Unified Code of Corrections upon any person
23 convicted of or placed on supervision for a violation of an
24 order of protection. The additional fine shall be imposed
25 for each violation of this Section.

26 (Source: P.A. 95-331, eff. 8-21-07.)

1 Section 30. The Probate Act of 1975 is amended by changing
2 Section 11-7.1 as follows:

3 (755 ILCS 5/11-7.1) (from Ch. 110 1/2, par. 11-7.1)

4 Sec. 11-7.1. Parenting time ~~Visitation rights~~.

5 (a) Whenever both natural or adoptive parents of a minor
6 are deceased, an allocation of parenting time ~~visitation rights~~
7 shall be granted to the grandparents of the minor who are the
8 parents of the minor's legal parents unless it is shown that
9 such parenting time ~~visitation~~ would be detrimental to the best
10 interests and welfare of the minor. In the discretion of the
11 court, reasonable parenting time ~~visitation rights~~ may be
12 granted to any other relative of the minor or other person
13 having an interest in the welfare of the child. However, the
14 court shall not grant parenting time ~~visitation privileges~~ to
15 any person who otherwise might have parenting time ~~visitation~~
16 ~~privileges~~ under this Section where the minor has been adopted
17 subsequent to the death of both his legal parents except where
18 such adoption is by a close relative. For the purpose of this
19 Section, "close relative" shall include, but not be limited to,
20 a grandparent, aunt, uncle, first cousin, or adult brother or
21 sister.

22 Where such adoption is by a close relative, the court shall
23 not grant parenting time ~~visitation privileges~~ under this
24 Section unless the petitioner alleges and proves that he or she

1 has been unreasonably denied parenting time ~~visitation~~ with the
2 child. The court may grant reasonable parenting time ~~visitation~~
3 ~~privileges~~ upon finding that such parenting time ~~visitation~~
4 would be in the best interest of the child.

5 An order denying parenting time ~~visitation rights~~ to
6 grandparents of the minor shall be in writing and shall state
7 the reasons for denial. An order denying parenting time
8 ~~visitation rights~~ is a final order for purposes of appeal.

9 (b) Unless the court determines, after considering all
10 relevant factors, including but not limited to those set forth
11 in Section 602.7 ~~602(a)~~ of the Illinois Marriage and
12 Dissolution of Marriage Act, that it would be in the best
13 interests of the child to allow parenting time ~~visitation~~, the
14 court shall not enter an order providing parenting time
15 ~~visitation rights~~ and pursuant to a motion to modify parenting
16 time ~~visitation~~ brought under Section 610.5 ~~607(f)~~ of the
17 Illinois Marriage and Dissolution of Marriage Act shall revoke
18 parenting time ~~visitation rights~~ previously granted to any
19 person who would otherwise be entitled to petition for
20 parenting time ~~visitation rights~~ under this Section who has
21 been convicted of first degree murder of the parent,
22 grandparent, great-grandparent, or sibling of the child who is
23 the subject of the order. Until an order is entered pursuant to
24 this subsection, no person shall visit, with the child present,
25 a person who has been convicted of first degree murder of the
26 parent, grandparent, great-grandparent, or sibling of the

1 child without the consent of the child's parent, other than a
2 parent convicted of first degree murder as set forth herein, or
3 legal guardian.

4 (Source: P.A. 90-801, eff. 6-1-99.)

5 Section 99. Effective date. This Act takes effect January
6 1, 2012.

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Statutes amended in order of appearance

- 325 ILCS 40/7.1 from Ch. 23, par. 2257.1
- 725 ILCS 5/112A-23 from Ch. 38, par. 112A-23
- 750 ILCS 5/102 from Ch. 40, par. 102
- 750 ILCS 5/505 from Ch. 40, par. 505
- 750 ILCS 5/Pt. VI heading
- 750 ILCS 5/600 new
- 750 ILCS 5/601.2 new
- 750 ILCS 5/602.5 new
- 750 ILCS 5/602.7 new
- 750 ILCS 5/602.10 new
- 750 ILCS 5/603.5 new
- 750 ILCS 5/603.10 new
- 750 ILCS 5/604.10 new
- 750 ILCS 5/606.5 new
- 750 ILCS 5/606.10 new
- 750 ILCS 5/607.5 new
- 750 ILCS 5/609.2 new
- 750 ILCS 5/610.5 new
- 750 ILCS 5/612 new
- 750 ILCS 5/601 rep.
- 750 ILCS 5/601.5 rep.
- 750 ILCS 5/602 rep.
- 750 ILCS 5/602.1 rep.

- 1 750 ILCS 5/603 rep.
- 2 750 ILCS 5/604 rep.
- 3 750 ILCS 5/604.5 rep.
- 4 750 ILCS 5/605 rep.
- 5 750 ILCS 5/606 rep.
- 6 750 ILCS 5/607 rep.
- 7 750 ILCS 5/607.1 rep.
- 8 750 ILCS 5/608 rep.
- 9 750 ILCS 5/609 rep.
- 10 750 ILCS 5/610 rep.
- 11 750 ILCS 5/611 rep.
- 12 750 ILCS 45/16 from Ch. 40, par. 2516
- 13 750 ILCS 60/214 from Ch. 40, par. 2312-14
- 14 750 ILCS 60/223 from Ch. 40, par. 2312-23
- 15 755 ILCS 5/11-7.1 from Ch. 110 1/2, par. 11-7.1