

1 AN ACT concerning families.

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

4 Section 5. The Illinois Marriage and Dissolution of
5 Marriage Act is amended by changing Section 608 and by adding
6 Section 604.3 as follows:

7 (750 ILCS 5/604.3 new)

8 Sec. 604.3. Counseling. The court shall determine whether
9 counseling is appropriate for a child who is involved in a
10 custody proceeding. If the court determines that counseling is
11 appropriate, the court may order counseling and may apportion
12 the costs between the parties.

13 All counseling sessions shall be confidential. The
14 communications in counseling shall not be used in any manner in
15 litigation nor relied upon by any expert appointed by the court
16 or retained by any party.

17 (750 ILCS 5/608) (from Ch. 40, par. 608)

18 Sec. 608. Judicial Supervision.

19 (a) Except as otherwise agreed by the parties in writing at
20 the time of the custody judgment or as otherwise ordered by the
21 court, the custodian may determine the child's upbringing,
22 including but not limited to, his education, health care and
23 religious training, unless the court, after hearing, finds,
24 upon motion by the noncustodial parent, that the absence of a
25 specific limitation of the custodian's authority would clearly
26 be contrary to the best interests of the child.

27 (b) If both parents or all contestants agree to the order,
28 or if the court finds that in the absence of agreement the
29 child's physical health would be endangered or his emotional
30 development significantly impaired, the court may order the
31 Department of Children and Family Services to exercise

1 continuing supervision over the case to assure that the
2 custodial or visitation terms of the judgment are carried out.
3 Supervision shall be carried out under the provisions of
4 Section 5 of the Children and Family Services Act.

5 (c) The court may order individual counseling for the
6 child, family counseling for one or more of the parties and the
7 child, or parental education for one or more of the parties,
8 when it finds one or more of the following:

9 (1) both parents or all parties agree to the order;

10 (2) the court finds that the child's physical health is
11 endangered or his or her emotional development is impaired
12 including, but not limited to, a finding of visitation
13 abuse as defined by Section 607.1; or

14 (3) the court finds that one or both of the parties
15 have violated the joint parenting agreement with regard to
16 conduct affecting or in the presence of the child.

17 (d) If the court finds that one or more of the parties has
18 violated an order of the court with regards to custody,
19 visitation, or joint parenting, the court shall assess the
20 costs of counseling against the violating party or parties.
21 Otherwise, the court may apportion the costs between the
22 parties as appropriate.

23 (e) The remedies provided in this Section are in addition
24 to, and shall not diminish or abridge in any way, the court's
25 power to exercise its authority through contempt or other
26 proceedings.

27 (Source: P.A. 87-824.)