



Rep. La Shawn K. Ford

Filed: 4/9/2018

10000HB4113ham002

LRB100 14598 HEP 38212 a

1 AMENDMENT TO HOUSE BILL 4113

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4113 by replacing  
3 line 18 on page 7 through line 11 on page 11 with the  
4 following:

5 "(750 ILCS 5/602.7)

6 Sec. 602.7. Allocation of parental responsibilities:  
7 parenting time.

8 (a) Allocation of parenting time. ~~Best interests.~~ The court  
9 shall allocate parenting time according to the child's best  
10 interests. Unless the parents present a mutually agreed written  
11 parenting plan and that plan is approved by the court, the  
12 court shall allocate parenting time. There is a rebuttable  
13 presumption that it is in the child's best interests to award  
14 equal time to each parent. In determining the child's best  
15 interests for purposes of allocating parenting time, the court  
16 shall consider all relevant factors, including, without  
17 limitation, the following:

- 1           (1) the wishes of each parent seeking parenting time;
- 2           (2) the wishes of the child, taking into account the  
3 child's maturity and ability to express reasoned and  
4 independent preferences as to parenting time;
- 5           (3) the amount of time each parent spent performing  
6 caretaking functions with respect to the child in the 24  
7 months preceding the filing of any petition for allocation  
8 of parental responsibilities or, if the child is under 2  
9 years of age, since the child's birth;
- 10          (4) any prior agreement or course of conduct between  
11 the parents relating to caretaking functions with respect  
12 to the child;
- 13          (5) the interaction and interrelationship of the child  
14 with his or her parents and siblings and with any other  
15 person who may significantly affect the child's best  
16 interests;
- 17          (6) the child's adjustment to his or her home, school,  
18 and community;
- 19          (7) the mental and physical health of all individuals  
20 involved;
- 21          (8) the child's needs;
- 22          (9) the distance between the parents' residences, the  
23 cost and difficulty of transporting the child, each  
24 parent's and the child's daily schedules, and the ability  
25 of the parents to cooperate in the arrangement;
- 26          (10) whether a restriction on parenting time is

1 appropriate;

2 (11) the physical violence or threat of physical  
3 violence by the child's parent directed against the child  
4 or other member of the child's household;

5 (12) the willingness and ability of each parent to  
6 place the needs of the child ahead of his or her own needs;

7 (13) the willingness and ability of each parent to  
8 facilitate and encourage a close and continuing  
9 relationship between the other parent and the child;

10 (14) the occurrence of abuse against the child or other  
11 member of the child's household;

12 (15) whether one of the parents is a convicted sex  
13 offender or lives with a convicted sex offender and, if so,  
14 the exact nature of the offense and what if any treatment  
15 the offender has successfully participated in; the parties  
16 are entitled to a hearing on the issues raised in this  
17 paragraph (15);

18 (16) the terms of a parent's military family-care plan  
19 that a parent must complete before deployment if a parent  
20 is a member of the United States Armed Forces who is being  
21 deployed; and

22 (17) any other factor that the court expressly finds to  
23 be relevant.

24 If the court deviates from the presumption contained in  
25 this subsection, the court shall issue a written decision  
26 stating its specific findings of fact and conclusions of law in

1 support of the deviation from the presumption.

2 (b) Restrictions ~~Allocation of parenting time.~~ Unless the  
3 ~~parents present a mutually agreed written parenting plan and~~  
4 ~~that plan is approved by the court, the court shall allocate~~  
5 ~~parenting time.~~ It is presumed both parents are fit and the  
6 court shall not place any restrictions on parenting time as  
7 defined in Section 600 and described in Section 603.10, unless  
8 it finds by a preponderance of the evidence that a parent's  
9 exercise of parenting time would seriously endanger the child's  
10 physical, mental, moral, or emotional health. If the court  
11 deviates from the presumption contained in this subsection, the  
12 court shall issue a written decision stating its specific  
13 findings of fact and conclusions of law in support of the  
14 deviation from the presumption

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

19 ~~(1) the wishes of each parent seeking parenting time;~~

20 ~~(2) the wishes of the child, taking into account the~~  
21 ~~child's maturity and ability to express reasoned and~~  
22 ~~independent preferences as to parenting time;~~

23 ~~(3) the amount of time each parent spent performing~~  
24 ~~caretaking functions with respect to the child in the 24~~  
25 ~~months preceding the filing of any petition for allocation~~  
26 ~~of parental responsibilities or, if the child is under 2~~

1 ~~years of age, since the child's birth;~~

2 ~~(4) any prior agreement or course of conduct between~~  
3 ~~the parents relating to caretaking functions with respect~~  
4 ~~to the child;~~

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

9 ~~(6) the child's adjustment to his or her home, school,~~  
10 ~~and community;~~

11 ~~(7) the mental and physical health of all individuals~~  
12 ~~involved;~~

13 ~~(8) the child's needs;~~

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) whether a restriction on parenting time is~~  
19 ~~appropriate;~~

20 ~~(11) the physical violence or threat of physical~~  
21 ~~violence by the child's parent directed against the child~~  
22 ~~or other member of the child's household;~~

23 ~~(12) the willingness and ability of each parent to~~  
24 ~~place the needs of the child ahead of his or her own needs;~~

25 ~~(13) the willingness and ability of each parent to~~  
26 ~~facilitate and encourage a close and continuing~~

1 ~~relationship between the other parent and the child;~~

2 ~~(14) the occurrence of abuse against the child or other~~  
3 ~~member of the child's household;~~

4 ~~(15) whether one of the parents is a convicted sex~~  
5 ~~offender or lives with a convicted sex offender and, if so,~~  
6 ~~the exact nature of the offense and what if any treatment~~  
7 ~~the offender has successfully participated in; the parties~~  
8 ~~are entitled to a hearing on the issues raised in this~~  
9 ~~paragraph (15);~~

10 ~~(16) the terms of a parent's military family care plan~~  
11 ~~that a parent must complete before deployment if a parent~~  
12 ~~is a member of the United States Armed Forces who is being~~  
13 ~~deployed; and~~

14 ~~(17) any other factor that the court expressly finds to~~  
15 ~~be relevant.~~

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

19 (d) Upon motion, the court may allow a parent who is  
20 deployed or who has orders to be deployed as a member of the  
21 United States Armed Forces to designate a person known to the  
22 child to exercise reasonable substitute visitation on behalf of  
23 the deployed parent, if the court determines that substitute  
24 visitation is in the best interests of the child. In  
25 determining whether substitute visitation is in the best  
26 interests of the child, the court shall consider all of the

1 relevant factors listed in subsection (b) of this Section and  
2 apply those factors to the person designated as a substitute  
3 for the deployed parent for visitation purposes. Visitation  
4 orders entered under this subsection are subject to subsections  
5 (e) and (f) of Section 602.9 and subsections (c) and (d) of  
6 Section 603.10.

7 (e) If the street address of a parent is not identified  
8 pursuant to Section 708 of this Act, the court shall require  
9 the parties to identify reasonable alternative arrangements  
10 for parenting time by the other parent including, but not  
11 limited to, parenting time of the minor child at the residence  
12 of another person or at a local public or private facility.  
13 (Source: P.A. 99-90, eff. 1-1-16.); and

14 on page 16, by replacing lines 19 and 20 with the following:

15 "(a) After a hearing, if the court finds by a preponderance  
16 of the evidence that a parent"; and

17 on page 18, lines 8 and 9, by changing "clear and convincing a  
18 ~~preponderance of the~~" to "a preponderance of the".