

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 Illinois Marriage and Dissolution of  
5 Marriage Act is amended by changing Section 602 as follows:

6 (750 ILCS 5/602) (from Ch. 40, par. 602)

7 Sec. 602. Best Interest of Child.

8 (a) The court shall determine custody in accordance with  
9 the best interest of the child. The court shall consider all  
10 relevant factors including:

11 (1) the wishes of the child's parent or parents as to  
12 his custody;

13 (2) the wishes of the child as to his custodian;

14 (3) the interaction and interrelationship of the child  
15 with his parent or parents, his siblings and any other  
16 person who may significantly affect the child's best  
17 interest;

18 (4) the child's adjustment to his home, school and  
19 community;

20 (5) the mental and physical health of all individuals  
21 involved;

22 (6) the physical violence or threat of physical  
23 violence by the child's potential custodian, whether  
24 directed against the child or directed against another  
25 person;

26 (7) the occurrence of ongoing abuse as defined in  
27 Section 103 of the Illinois Domestic Violence Act of 1986,  
28 whether directed against the child or directed against  
29 another person; ~~and~~

30 (8) the willingness and ability of each parent to  
31 facilitate and encourage a close and continuing  
32 relationship between the other parent and the child; and.

1           (9) any pending criminal charge against any party to  
2           the proceeding.

3           With regards to the factor set forth in item (9) of  
4           this subsection (a), the court in its discretion may  
5           continue or postpone a custody award until the criminal  
6           charge has been adjudicated.

7           In the case of a custody proceeding in which a stepparent  
8           has standing under Section 601, it is presumed to be in the  
9           best interest of the minor child that the natural parent have  
10          the custody of the minor child unless the presumption is  
11          rebutted by the stepparent.

12          (b) The court shall not consider conduct of a present or  
13          proposed custodian that does not affect his relationship to the  
14          child.

15          (c) Unless the court finds the occurrence of ongoing abuse  
16          as defined in Section 103 of the Illinois Domestic Violence Act  
17          of 1986, the court shall presume that the maximum involvement  
18          and cooperation of both parents regarding the physical, mental,  
19          moral, and emotional well-being of their child is in the best  
20          interest of the child. There shall be no presumption in favor  
21          of or against joint custody.

22          (Source: P.A. 90-782, eff. 8-14-98.)