



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/06/04, by Richard P. Myers

SYNOPSIS AS INTRODUCED:

750 ILCS 5/602

from Ch. 40, par. 602

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that there shall be a presumption in favor of joint custody, provided that both parents agree to that custody arrangement. Effective immediately.

LRB093 20001 LCB 45745 b

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 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.

1 In the case of a custody proceeding in which a stepparent
2 has standing under Section 601, it is presumed to be in the
3 best interest of the minor child that the natural parent have
4 the custody of the minor child unless the presumption is
5 rebutted by the stepparent.

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

9 (c) Unless the court finds the occurrence of ongoing abuse
10 as defined in Section 103 of the Illinois Domestic Violence Act
11 of 1986, the court shall presume that the maximum involvement
12 and cooperation of both parents regarding the physical, mental,
13 moral, and emotional well-being of their child is in the best
14 interest of the child. There shall be a presumption in favor of
15 joint custody, provided that both parents agree to that custody
16 arrangement. ~~There shall be no presumption in favor of or~~
17 ~~against joint custody.~~

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.