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09400HB0712ham002

LRB094 08083 LCB 42683 a

1 AMENDMENT TO HOUSE BILL 712

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 712, AS AMENDED, in  
3 the introductory clause of Section 5, after "is amended by", by  
4 inserting "changing Section 602 and"; and

5 in Section 5, immediately above Sec. 609.5, by inserting the  
6 following:

7 "(750 ILCS 5/602) (from Ch. 40, par. 602)  
8 Sec. 602. Best Interest of Child.

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

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

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

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

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

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

23 (6) the physical violence or threat of physical  
24 violence by the child's potential custodian, whether

1 directed against the child or directed against another  
2 person;

3 (7) the occurrence of ongoing abuse as defined in  
4 Section 103 of the Illinois Domestic Violence Act of 1986,  
5 whether directed against the child or directed against  
6 another person; ~~and~~

7 (8) 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; and -

10 (9) whether one of the parents is a sex offender.

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

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

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

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