



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4158

Introduced 10/26/2005, by Rep. Mr. George Scully, Jr.

SYNOPSIS AS INTRODUCED:

325 ILCS 40/7.1	from Ch. 23, par. 2257.1
725 ILCS 5/112A-23	from Ch. 38, par. 112A-23
750 ILCS 5/102	from Ch. 40, par. 102
750 ILCS 5/505	from Ch. 40, par. 505
750 ILCS 5/Pt. VI heading	
750 ILCS 5/600 new	
750 ILCS 5/601.2 new	
750 ILCS 5/602.5 new	
750 ILCS 5/602.7 new	
750 ILCS 5/602.10 new	
750 ILCS 5/603.5 new	
750 ILCS 5/603.10 new	
750 ILCS 5/604.10 new	
750 ILCS 5/606.5 new	
750 ILCS 5/606.10 new	
750 ILCS 5/607.5 new	
750 ILCS 5/609.2 new	
750 ILCS 5/610.5 new	
750 ILCS 5/612 new	
750 ILCS 5/601 rep.	
750 ILCS 5/601.5 rep.	
750 ILCS 5/602 rep.	
750 ILCS 5/602.1 rep.	
750 ILCS 5/603 rep.	
750 ILCS 5/604 rep.	
750 ILCS 5/604.5 rep.	
750 ILCS 5/605 rep.	
750 ILCS 5/606 rep.	
750 ILCS 5/607 rep.	
750 ILCS 5/607.1 rep.	
750 ILCS 5/608 rep.	
750 ILCS 5/609 rep.	
750 ILCS 5/610 rep.	
750 ILCS 5/611 rep.	
750 ILCS 45/16	from Ch. 40, par. 2516
750 ILCS 60/214	from Ch. 40, par. 2312-14
750 ILCS 60/223	from Ch. 40, par. 2312-23
755 ILCS 5/11-7.1	from Ch. 110 1/2, par. 11-7.1

Amends the Illinois Marriage and Dissolution of Marriage Act to rewrite provisions concerning child custody and visitation, but with changes that include the following: (1) amends the Intergovernmental Missing Child Recovery Act of 1984, the Code of Criminal Procedure of 1963, the Illinois Parentage Act of 1984, the Illinois Domestic Violence Act of 1986, and the Probate Act of 1975, and further amends the Illinois Marriage and Dissolution of Marriage Act to change references to "custody" and "visitation" to "parental responsibilities" and "parenting time", respectively, and to change references to Sections of the Illinois Marriage and Dissolution of Marriage Act that are repealed by the bill; and (2) requires the Illinois Supreme Court to approve 3 hours of training for certain professionals, evaluators, investigators, and guardians ad litem serving in connection with proceedings to allocate parental responsibilities. Effective January 1, 2007.

LRB094 14743 DRJ 49715 b

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 Intergovernmental Missing Child Recovery
5 Act of 1984 is amended by changing Section 7.1 as follows:

6 (325 ILCS 40/7.1) (from Ch. 23, par. 2257.1)

7 Sec. 7.1. In addition to any requirement of Section 601.2
8 ~~601 or 611~~ of the Illinois Marriage and Dissolution of Marriage
9 Act or applicable provisions of the Uniform Child-Custody
10 Jurisdiction and Enforcement Act regarding a parental
11 allocation custody proceeding of an out-of-state party, every
12 court in this State, prior to granting or modifying a parental
13 allocation custody judgment, shall inquire with LEADS and the
14 National Crime Information Center to ascertain whether the
15 child or children in question have been reported missing or
16 have been involved in or are the victims of a parental or
17 noncustodial abduction. Such inquiry may be conducted with any
18 law enforcement agency in this State that maintains a LEADS
19 terminal or has immediate access to one on a 24-hour-per-day,
20 7-day-per-week basis through a written agreement with another
21 law enforcement agency.

22 (Source: P.A. 93-108, eff. 1-1-04.)

23 Section 10. The Code of Criminal Procedure of 1963 is
24 amended by changing Section 112A-23 as follows:

25 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

26 Sec. 112A-23. Enforcement of orders of protection.

27 (a) When violation is crime. A violation of any order of
28 protection, whether issued in a civil, quasi-criminal
29 proceeding, shall be enforced by a criminal court when:

30 (1) The respondent commits the crime of violation of an

1 order of protection pursuant to Section 12-30 of the
2 Criminal Code of 1961, by having knowingly violated:

3 (i) remedies described in paragraphs (1), (2),
4 (3), (14), or (14.5) of subsection (b) of Section
5 112A-14,

6 (ii) a remedy, which is substantially similar to
7 the remedies authorized under paragraphs (1), (2),
8 (3), (14) or (14.5) of subsection (b) of Section 214 of
9 the Illinois Domestic Violence Act of 1986, in a valid
10 order of protection, which is authorized under the laws
11 of another state, tribe or United States territory,

12 (iii) or any other remedy when the act constitutes
13 a crime against the protected parties as defined by the
14 Criminal Code of 1961.

15 Prosecution for a violation of an order of protection shall
16 not bar concurrent prosecution for any other crime, including
17 any crime that may have been committed at the time of the
18 violation of the order of protection; or

19 (2) The respondent commits the crime of child abduction
20 pursuant to Section 10-5 of the Criminal Code of 1961, by
21 having knowingly violated:

22 (i) remedies described in paragraphs (5), (6) or
23 (8) of subsection (b) of Section 112A-14, or

24 (ii) a remedy, which is substantially similar to
25 the remedies authorized under paragraphs (1), (5),
26 (6), or (8) of subsection (b) of Section 214 of the
27 Illinois Domestic Violence Act of 1986, in a valid
28 order of protection, which is authorized under the laws
29 of another state, tribe or United States territory.

30 (b) When violation is contempt of court. A violation of any
31 valid order of protection, whether issued in a civil or
32 criminal proceeding, may be enforced through civil or criminal
33 contempt procedures, as appropriate, by any court with
34 jurisdiction, regardless where the act or acts which violated
35 the order of protection were committed, to the extent
36 consistent with the venue provisions of this Article. Nothing

1 in this Article shall preclude any Illinois court from
2 enforcing any valid order of protection issued in another
3 state. Illinois courts may enforce orders of protection through
4 both criminal prosecution and contempt proceedings, unless the
5 action which is second in time is barred by collateral estoppel
6 or the constitutional prohibition against double jeopardy.

7 (1) In a contempt proceeding where the petition for a
8 rule to show cause sets forth facts evidencing an immediate
9 danger that the respondent will flee the jurisdiction,
10 conceal a child, or inflict physical abuse on the
11 petitioner or minor children or on dependent adults in
12 petitioner's care, the court may order the attachment of
13 the respondent without prior service of the rule to show
14 cause or the petition for a rule to show cause. Bond shall
15 be set unless specifically denied in writing.

16 (2) A petition for a rule to show cause for violation
17 of an order of protection shall be treated as an expedited
18 proceeding.

19 (c) Violation of custody, allocation of parental
20 responsibility, or support orders. A violation of remedies
21 described in paragraphs (5), (6), (8), or (9) of subsection (b)
22 of Section 112A-14 may be enforced by any remedy provided by
23 Section 607.5 ~~611~~ of the Illinois Marriage and Dissolution of
24 Marriage Act. The court may enforce any order for support
25 issued under paragraph (12) of subsection (b) of Section
26 112A-14 in the manner provided for under Parts ~~Articles~~ V and
27 VII of the Illinois Marriage and Dissolution of Marriage Act.

28 (d) Actual knowledge. An order of protection may be
29 enforced pursuant to this Section if the respondent violates
30 the order after respondent has actual knowledge of its contents
31 as shown through one of the following means:

32 (1) By service, delivery, or notice under Section
33 112A-10.

34 (2) By notice under Section 112A-11.

35 (3) By service of an order of protection under Section
36 112A-22.

1 (4) By other means demonstrating actual knowledge of
2 the contents of the order.

3 (e) The enforcement of an order of protection in civil or
4 criminal court shall not be affected by either of the
5 following:

6 (1) The existence of a separate, correlative order
7 entered under Section 112A-15.

8 (2) Any finding or order entered in a conjoined
9 criminal proceeding.

10 (f) Circumstances. The court, when determining whether or
11 not a violation of an order of protection has occurred, shall
12 not require physical manifestations of abuse on the person of
13 the victim.

14 (g) Penalties.

15 (1) Except as provided in paragraph (3) of this
16 subsection, where the court finds the commission of a crime
17 or contempt of court under subsections (a) or (b) of this
18 Section, the penalty shall be the penalty that generally
19 applies in such criminal or contempt proceedings, and may
20 include one or more of the following: incarceration,
21 payment of restitution, a fine, payment of attorneys' fees
22 and costs, or community service.

23 (2) The court shall hear and take into account evidence
24 of any factors in aggravation or mitigation before deciding
25 an appropriate penalty under paragraph (1) of this
26 subsection.

27 (3) To the extent permitted by law, the court is
28 encouraged to:

29 (i) increase the penalty for the knowing violation
30 of any order of protection over any penalty previously
31 imposed by any court for respondent's violation of any
32 order of protection or penal statute involving
33 petitioner as victim and respondent as defendant;

34 (ii) impose a minimum penalty of 24 hours
35 imprisonment for respondent's first violation of any
36 order of protection; and

1 (iii) impose a minimum penalty of 48 hours
2 imprisonment for respondent's second or subsequent
3 violation of an order of protection
4 unless the court explicitly finds that an increased penalty
5 or that period of imprisonment would be manifestly unjust.

6 (4) In addition to any other penalties imposed for a
7 violation of an order of protection, a criminal court may
8 consider evidence of any violations of an order of
9 protection:

10 (i) to increase, revoke or modify the bail bond on
11 an underlying criminal charge pursuant to Section
12 110-6;

13 (ii) to revoke or modify an order of probation,
14 conditional discharge or supervision, pursuant to
15 Section 5-6-4 of the Unified Code of Corrections;

16 (iii) to revoke or modify a sentence of periodic
17 imprisonment, pursuant to Section 5-7-2 of the Unified
18 Code of Corrections.

19 (Source: P.A. 93-359, eff. 1-1-04; revised 10-11-05.)

20 Section 15. The Illinois Marriage and Dissolution of
21 Marriage Act is amended by changing Sections 102 and 505 and
22 the heading of Part VI and by adding Sections 600, 601.2,
23 602.5, 602.7, 602.10, 603.5, 603.10, 604.10, 606.5, 606.10,
24 607.5, 609.2, 610.5, and 612 as follows:

25 (750 ILCS 5/102) (from Ch. 40, par. 102)

26 Sec. 102. Purposes; Rules of Construction. This Act shall
27 be liberally construed and applied to promote its underlying
28 purposes, which are to:

29 (1) provide adequate procedures for the solemnization and
30 registration of marriage;

31 (2) strengthen and preserve the integrity of marriage and
32 safeguard family relationships;

33 (3) promote the amicable settlement of disputes that have
34 arisen between parties to a marriage;

1 (4) mitigate the potential harm to ~~the~~ spouses and their
2 children caused by the ~~process of legal~~ dissolution of marriage
3 process, and protect children from exposure to conflict and
4 violence;

5 (5) ensure predictable decision-making for the care of
6 children and for the allocation of parenting time and other
7 parental responsibilities, and avoid prolonged uncertainty by
8 expeditiously resolving issues involving children;

9 (6) recognize the right of children to a healthy
10 relationship with parents, and the responsibility of parents to
11 ensure such a relationship;

12 (7) acknowledge that the determination of children's best
13 interests, and the allocation of parenting time and significant
14 decision-making responsibilities, are among the paramount
15 responsibilities of our system of justice, and to that end:

16 (A) recognize children's right to a strong and healthy
17 relationship with parents, and parents' concomitant right
18 and responsibility to create and maintain such
19 relationships;

20 (B) recognize that, in the absence of domestic violence
21 or any other factor that the court expressly finds to be
22 relevant, proximity to, and frequent contact with, both
23 parents promotes healthy development of children;

24 (C) facilitate parental planning and agreement about
25 the children's upbringing and allocation of parenting time
26 and other parental responsibilities;

27 (D) continue existing parent-child relationships, and
28 secure the maximum involvement and cooperation of parents
29 regarding the physical, mental, moral, and emotional
30 well-being of the children during and after the litigation;
31 and

32 (E) encourage programs to educate parents to:

33 (i) minimize or eliminate rancor and the
34 detrimental effect of litigation in any proceeding
35 involving children; and

36 (ii) facilitate the maximum cooperation of parents

1 in raising their children;

2 (8) ~~(5)~~ make reasonable provision for spouses and minor
3 children during and after litigation, including provision for
4 timely awards of interim fees to all attorneys, including
5 children's representatives, to achieve substantial parity in
6 parties' access to funds for litigation costs;

7 (9) ~~(6)~~ eliminate the consideration of marital misconduct
8 in the adjudication of rights and duties incident to ~~the legal~~
9 dissolution of marriage, legal separation and declaration of
10 invalidity of marriage; and

11 ~~(7) secure the maximum involvement and cooperation of both~~
12 ~~parents regarding the physical, mental, moral and emotional~~
13 ~~well-being of the children during and after the litigation; and~~

14 (10) ~~(8)~~ make provision for the preservation and
15 conservation of assets during the litigation.

16 (Source: P.A. 89-712, eff. 6-1-97.)

17 (750 ILCS 5/505) (from Ch. 40, par. 505)

18 Sec. 505. Child support; contempt; penalties.

19 (a) In a proceeding for dissolution of marriage, legal
20 separation, declaration of invalidity of marriage, a
21 proceeding for child support following dissolution of the
22 marriage by a court which lacked personal jurisdiction over the
23 absent spouse, a proceeding for modification of a previous
24 order for child support under Section 510 of this Act, or any
25 proceeding authorized under Section 501 or 601 of this Act, the
26 court may order either or both parents owing a duty of support
27 to a child of the marriage to pay an amount reasonable and
28 necessary for his support, without regard to marital
29 misconduct. The duty of support owed to a child includes the
30 obligation to provide for the reasonable and necessary
31 physical, mental and emotional health needs of the child. For
32 purposes of this Section, the term "child" shall include any
33 child under age 18 and any child under age 19 who is still
34 attending high school. For purposes of this Section, the term
35 "supporting parent" means the parent obligated to pay support

1 to the other parent.

2 (1) The Court shall determine the minimum amount of
 3 support by using the following guidelines:

Number of Children	Percent of Supporting Party's Net Income
1	20%
2	28%
3	32%
4	40%
5	45%
6 or more	50%

12 (2) The above guidelines shall be applied in each case
 13 unless the court makes a finding that application of the
 14 guidelines would be inappropriate, after considering the
 15 best interests of the child in light of evidence including
 16 but not limited to one or more of the following relevant
 17 factors:

18 (a) the financial resources and needs of the child;

19 (b) the financial resources and needs of the
 20 custodial parent;

21 (c) the standard of living the child would have
 22 enjoyed had the marriage not been dissolved;

23 (d) the physical and emotional condition of the
 24 child, and his educational needs; and

25 (e) the financial resources and needs of the
 26 supporting ~~non-custodial~~ parent.

27 If the court deviates from the guidelines, the court's
 28 finding shall state the amount of support that would have
 29 been required under the guidelines, if determinable. The
 30 court shall include the reason or reasons for the variance
 31 from the guidelines.

32 (3) "Net income" is defined as the total of all income
 33 from all sources, minus the following deductions:

34 (a) Federal income tax (properly calculated
 35 withholding or estimated payments);

36 (b) State income tax (properly calculated

1 withholding or estimated payments);

2 (c) Social Security (FICA payments);

3 (d) Mandatory retirement contributions required by
4 law or as a condition of employment;

5 (e) Union dues;

6 (f) Dependent and individual
7 health/hospitalization insurance premiums;

8 (g) Prior obligations of support or maintenance
9 actually paid pursuant to a court order;

10 (h) Expenditures for repayment of debts that
11 represent reasonable and necessary expenses for the
12 production of income, medical expenditures necessary
13 to preserve life or health, reasonable expenditures
14 for the benefit of the child and the other parent,
15 exclusive of gifts. The court shall reduce net income
16 in determining the minimum amount of support to be
17 ordered only for the period that such payments are due
18 and shall enter an order containing provisions for its
19 self-executing modification upon termination of such
20 payment period.

21 (4) In cases where the court order provides for
22 health/hospitalization insurance coverage pursuant to
23 Section 505.2 of this Act, the premiums for that insurance,
24 or that portion of the premiums for which the supporting
25 party is responsible in the case of insurance provided
26 through an employer's health insurance plan where the
27 employer pays a portion of the premiums, shall be
28 subtracted from net income in determining the minimum
29 amount of support to be ordered.

30 (4.5) In a proceeding for child support following
31 dissolution of the marriage by a court that lacked personal
32 jurisdiction over the absent spouse, and in which the court
33 is requiring payment of support for the period before the
34 date an order for current support is entered, there is a
35 rebuttable presumption that the supporting party's net
36 income for the prior period was the same as his or her net

1 income at the time the order for current support is
2 entered.

3 (5) If the net income cannot be determined because of
4 default or any other reason, the court shall order support
5 in an amount considered reasonable in the particular case.
6 The final order in all cases shall state the support level
7 in dollar amounts. However, if the court finds that the
8 child support amount cannot be expressed exclusively as a
9 dollar amount because all or a portion of the payor's net
10 income is uncertain as to source, time of payment, or
11 amount, the court may order a percentage amount of support
12 in addition to a specific dollar amount and enter such
13 other orders as may be necessary to determine and enforce,
14 on a timely basis, the applicable support ordered.

15 (6) If (i) the supporting ~~non-custodial~~ parent was
16 properly served with a request for discovery of financial
17 information relating to the supporting ~~non-custodial~~
18 parent's ability to provide child support, (ii) the
19 supporting ~~non-custodial~~ parent failed to comply with the
20 request, despite having been ordered to do so by the court,
21 and (iii) the supporting ~~non-custodial~~ parent is not
22 present at the hearing to determine support despite having
23 received proper notice, then any relevant financial
24 information concerning the supporting ~~non-custodial~~
25 parent's ability to provide child support that was obtained
26 pursuant to subpoena and proper notice shall be admitted
27 into evidence without the need to establish any further
28 foundation for its admission.

29 (a-5) In an action to enforce an order for support based on
30 the respondent's failure to make support payments as required
31 by the order, notice of proceedings to hold the respondent in
32 contempt for that failure may be served on the respondent by
33 personal service or by regular mail addressed to the
34 respondent's last known address. The respondent's last known
35 address may be determined from records of the clerk of the
36 court, from the Federal Case Registry of Child Support Orders,

1 or by any other reasonable means.

2 (b) Failure of either parent to comply with an order to pay
3 support shall be punishable as in other cases of contempt. In
4 addition to other penalties provided by law the Court may,
5 after finding the parent guilty of contempt, order that the
6 parent be:

7 (1) placed on probation with such conditions of
8 probation as the Court deems advisable;

9 (2) sentenced to periodic imprisonment for a period not
10 to exceed 6 months; provided, however, that the Court may
11 permit the parent to be released for periods of time during
12 the day or night to:

13 (A) work; or

14 (B) conduct a business or other self-employed
15 occupation.

16 The Court may further order any part or all of the earnings
17 of a parent during a sentence of periodic imprisonment paid to
18 the Clerk of the Circuit Court or to the parent having the
19 majority of residential responsibility ~~custody~~ or to the
20 guardian having the majority of residential responsibility for
21 ~~custody of~~ the children of the sentenced parent for the support
22 of said children until further order of the Court.

23 If there is a unity of interest and ownership sufficient to
24 render no financial separation between a supporting
25 ~~non-custodial~~ parent and another person or persons or business
26 entity, the court may pierce the ownership veil of the person,
27 persons, or business entity to discover assets of the
28 supporting ~~non-custodial~~ parent held in the name of that
29 person, those persons, or that business entity. The following
30 circumstances are sufficient to authorize a court to order
31 discovery of the assets of a person, persons, or business
32 entity and to compel the application of any discovered assets
33 toward payment on the judgment for support:

34 (1) the supporting ~~non-custodial~~ parent and the
35 person, persons, or business entity maintain records
36 together.

1 (2) the supporting ~~non-custodial~~ parent and the
2 person, persons, or business entity fail to maintain an
3 arms length relationship between themselves with regard to
4 any assets.

5 (3) the supporting ~~non-custodial~~ parent transfers
6 assets to the person, persons, or business entity with the
7 intent to perpetrate a fraud on the ~~custodial~~ parent
8 receiving the support.

9 With respect to assets which are real property, no order
10 entered under this paragraph shall affect the rights of bona
11 fide purchasers, mortgagees, judgment creditors, or other lien
12 holders who acquire their interests in the property prior to
13 the time a notice of lis pendens pursuant to the Code of Civil
14 Procedure or a copy of the order is placed of record in the
15 office of the recorder of deeds for the county in which the
16 real property is located.

17 The court may also order in cases where the parent is 90
18 days or more delinquent in payment of support or has been
19 adjudicated in arrears in an amount equal to 90 days obligation
20 or more, that the parent's Illinois driving privileges be
21 suspended until the court determines that the parent is in
22 compliance with the order of support. The court may also order
23 that the parent be issued a family financial responsibility
24 driving permit that would allow limited driving privileges for
25 employment and medical purposes in accordance with Section
26 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit
27 court shall certify the order suspending the driving privileges
28 of the parent or granting the issuance of a family financial
29 responsibility driving permit to the Secretary of State on
30 forms prescribed by the Secretary. Upon receipt of the
31 authenticated documents, the Secretary of State shall suspend
32 the parent's driving privileges until further order of the
33 court and shall, if ordered by the court, subject to the
34 provisions of Section 7-702.1 of the Illinois Vehicle Code,
35 issue a family financial responsibility driving permit to the
36 parent.

1 In addition to the penalties or punishment that may be
2 imposed under this Section, any person whose conduct
3 constitutes a violation of Section 15 of the Non-Support
4 Punishment Act may be prosecuted under that Act, and a person
5 convicted under that Act may be sentenced in accordance with
6 that Act. The sentence may include but need not be limited to a
7 requirement that the person perform community service under
8 Section 50 of that Act or participate in a work alternative
9 program under Section 50 of that Act. A person may not be
10 required to participate in a work alternative program under
11 Section 50 of that Act if the person is currently participating
12 in a work program pursuant to Section 505.1 of this Act.

13 A support obligation, or any portion of a support
14 obligation, which becomes due and remains unpaid as of the end
15 of each month, excluding the child support that was due for
16 that month to the extent that it was not paid in that month,
17 shall accrue simple interest as set forth in Section 12-109 of
18 the Code of Civil Procedure. An order for support entered or
19 modified on or after January 1, 2006 shall contain a statement
20 that a support obligation required under the order, or any
21 portion of a support obligation required under the order, that
22 becomes due and remains unpaid as of the end of each month,
23 excluding the child support that was due for that month to the
24 extent that it was not paid in that month, shall accrue simple
25 interest as set forth in Section 12-109 of the Code of Civil
26 Procedure. Failure to include the statement in the order for
27 support does not affect the validity of the order or the
28 accrual of interest as provided in this Section.

29 (c) A one-time charge of 20% is imposable upon the amount
30 of past-due child support owed on July 1, 1988 which has
31 accrued under a support order entered by the court. The charge
32 shall be imposed in accordance with the provisions of Section
33 10-21 of the Illinois Public Aid Code and shall be enforced by
34 the court upon petition.

35 (d) Any new or existing support order entered by the court
36 under this Section shall be deemed to be a series of judgments

1 against the person obligated to pay support thereunder, each
2 such judgment to be in the amount of each payment or
3 installment of support and each such judgment to be deemed
4 entered as of the date the corresponding payment or installment
5 becomes due under the terms of the support order. Each such
6 judgment shall have the full force, effect and attributes of
7 any other judgment of this State, including the ability to be
8 enforced. A lien arises by operation of law against the real
9 and personal property of the supporting ~~noncustodial~~ parent for
10 each installment of overdue support owed by the supporting
11 ~~noncustodial~~ parent.

12 (e) When child support is to be paid through the clerk of
13 the court in a county of 1,000,000 inhabitants or less, the
14 order shall direct the obligor to pay to the clerk, in addition
15 to the child support payments, all fees imposed by the county
16 board under paragraph (3) of subsection (u) of Section 27.1 of
17 the Clerks of Courts Act. Unless paid in cash or pursuant to an
18 order for withholding, the payment of the fee shall be by a
19 separate instrument from the support payment and shall be made
20 to the order of the Clerk.

21 (f) All orders for support, when entered or modified, shall
22 include a provision requiring the obligor to notify the court
23 and, in cases in which a party is receiving child and spouse
24 services under Article X of the Illinois Public Aid Code, the
25 Illinois Department of Public Aid, within 7 days, (i) of the
26 name and address of any new employer of the obligor, (ii)
27 whether the obligor has access to health insurance coverage
28 through the employer or other group coverage and, if so, the
29 policy name and number and the names of persons covered under
30 the policy, and (iii) of any new residential or mailing address
31 or telephone number of the supporting ~~non-custodial~~ parent. In
32 any subsequent action to enforce a support order, upon a
33 sufficient showing that a diligent effort has been made to
34 ascertain the location of the supporting ~~non-custodial~~ parent,
35 service of process or provision of notice necessary in the case
36 may be made at the last known address of the supporting

1 ~~non-custodial~~ parent in any manner expressly provided by the
2 Code of Civil Procedure or this Act, which service shall be
3 sufficient for purposes of due process.

4 (g) An order for support shall include a date on which the
5 current support obligation terminates. The termination date
6 shall be no earlier than the date on which the child covered by
7 the order will attain the age of 18. However, if the child will
8 not graduate from high school until after attaining the age of
9 18, then the termination date shall be no earlier than the
10 earlier of the date on which the child's high school graduation
11 will occur or the date on which the child will attain the age
12 of 19. The order for support shall state that the termination
13 date does not apply to any arrearage that may remain unpaid on
14 that date. Nothing in this subsection shall be construed to
15 prevent the court from modifying the order or terminating the
16 order in the event the child is otherwise emancipated.

17 (g-5) If there is an unpaid arrearage or delinquency (as
18 those terms are defined in the Income Withholding for Support
19 Act) equal to at least one month's support obligation on the
20 termination date stated in the order for support or, if there
21 is no termination date stated in the order, on the date the
22 child attains the age of majority or is otherwise emancipated,
23 the periodic amount required to be paid for current support of
24 that child immediately prior to that date shall automatically
25 continue to be an obligation, not as current support but as
26 periodic payment toward satisfaction of the unpaid arrearage or
27 delinquency. That periodic payment shall be in addition to any
28 periodic payment previously required for satisfaction of the
29 arrearage or delinquency. The total periodic amount to be paid
30 toward satisfaction of the arrearage or delinquency may be
31 enforced and collected by any method provided by law for
32 enforcement and collection of child support, including but not
33 limited to income withholding under the Income Withholding for
34 Support Act. Each order for support entered or modified on or
35 after the effective date of this amendatory Act of the 93rd
36 General Assembly must contain a statement notifying the parties

1 of the requirements of this subsection. Failure to include the
2 statement in the order for support does not affect the validity
3 of the order or the operation of the provisions of this
4 subsection with regard to the order. This subsection shall not
5 be construed to prevent or affect the establishment or
6 modification of an order for support of a minor child or the
7 establishment or modification of an order for support of a
8 non-minor child or educational expenses under Section 513 of
9 this Act.

10 (h) An order entered under this Section shall include a
11 provision requiring the obligor to report to the obligee and to
12 the clerk of court within 10 days each time the obligor obtains
13 new employment, and each time the obligor's employment is
14 terminated for any reason. The report shall be in writing and
15 shall, in the case of new employment, include the name and
16 address of the new employer. Failure to report new employment
17 or the termination of current employment, if coupled with
18 nonpayment of support for a period in excess of 60 days, is
19 indirect criminal contempt. For any obligor arrested for
20 failure to report new employment bond shall be set in the
21 amount of the child support that should have been paid during
22 the period of unreported employment. An order entered under
23 this Section shall also include a provision requiring the
24 obligor and obligee parents to advise each other of a change in
25 residence within 5 days of the change except when the court
26 finds that the physical, mental, or emotional health of a party
27 or that of a child, or both, would be seriously endangered by
28 disclosure of the party's address.

29 (i) The court does not lose the powers of contempt,
30 driver's license suspension, or other child support
31 enforcement mechanisms, including, but not limited to,
32 criminal prosecution as set forth in this Act, upon the
33 emancipation of the minor child or children.

34 (Source: P.A. 93-148, eff. 7-10-03; 93-1061, eff. 1-1-05;
35 94-90, eff. 1-1-06.)

1 (750 ILCS 5/Pt. VI heading)

2 PART VI

3 ALLOCATION OF PARENTAL RESPONSIBILITIES ~~CUSTODY~~

4 (750 ILCS 5/600 new)

5 Sec. 600. Definitions. For purposes of this Part VI:

6 "Abuse" has the meaning ascribed to that term in Section
7 103 of the Illinois Domestic Violence Act of 1986.

8 "Allocation judgment" means a judgment allocating parental
9 responsibilities.

10 "Caretaking functions" means tasks that involve
11 interaction with a child or that direct, arrange, and supervise
12 the interaction with and care of a child provided by others.
13 The term includes, but is not limited to, the following:

14 (1) Satisfying a child's nutritional needs; managing a
15 child's bedtime and wake-up routines; caring for a child
16 when the child is sick or injured; being attentive to a
17 child's personal hygiene needs, including washing,
18 grooming, and dressing; playing with a child and arranging
19 for recreation; protecting a child's physical safety; and
20 providing transportation for a child.

21 (2) Directing a child's various developmental needs,
22 including the acquisition of motor and language skills,
23 toilet training, self-confidence, and maturation.

24 (3) Providing discipline, giving instruction in
25 manners, assigning and supervising chores, and performing
26 other tasks that attend to a child's needs for behavioral
27 control and self-restraint.

28 (4) Arranging for a child's education, including
29 arranging for remedial or special services appropriate to
30 the child's needs and interests, communicating with
31 teachers and counselors, and supervising homework.

32 (5) Helping a child develop and maintain appropriate
33 interpersonal relationships with peers, siblings, and
34 other family members.

35 (6) Arranging for health-care providers, medical

1 follow-up, and home health care for a child.

2 (7) Providing moral and ethical guidance for a child.

3 (8) Arranging alternative care for a child by a family
4 member, babysitter, or other child-care provider or
5 facility, including investigating such alternatives,
6 communicating with providers, and supervising such care.

7 "De facto parent" means a person, other than a legal parent
8 or equitable parent, who, for reasons other than financial
9 compensation, has resided with a child for a period of not less
10 than 6 continuous months and:

11 (1) formed a parent-child relationship with the child,
12 with the knowledge and consent of at least one legal parent
13 of the child; and

14 (2) prior to the petition being filed, regularly
15 performed caretaking functions for the child for a period
16 of not less than 2 continuous years, or, if the child is
17 less than 2 years of age, since the child's birth.

18 "Equitable parent" means a person who, though not a legal
19 parent of a child:

20 (1) is obligated by a court order to pay child support
21 for the child; or

22 (2) is the child's stepparent; or

23 (3) lived with the child for at least 2 years and:

24 (A) during that time (i) had a reasonable,
25 good-faith belief that he or she was the child's
26 biological parent, based on marriage to the child's
27 legal parent or on the actions or representations of
28 the legal parent, and (ii) performed or contributed to
29 the performance of caretaking functions consistent
30 with that belief; and

31 (B) continued to make reasonable, good-faith
32 efforts to accept parental responsibilities with
33 respect to the child if thereafter that belief no
34 longer existed; or

35 (4) lived with the child since the child's birth or for
36 at least 2 years, and held himself out as the child's

1 parent while accepting parental responsibilities, under an
2 agreement with the child's legal parent (or, if there are 2
3 legal parents, both parents) to rear the child together,
4 each with allocated parental rights and responsibilities,
5 provided that a court finds that recognition of the person
6 as a parent is in the child's best interests.

7 "Legal parent" means a biological or adoptive parent of a
8 child.

9 "Parent" means a legal parent, a de facto parent, or an
10 equitable parent.

11 "Parental responsibilities" means both parenting time and
12 significant decision-making responsibilities with respect to a
13 child.

14 "Parenting time" means the time during which a parent is
15 physically with a child and exercises caretaking functions and
16 non-significant decision-making responsibilities with respect
17 to the child.

18 "Parenting plan" means a written agreement that allocates
19 significant decision-making responsibilities, parenting time,
20 or both.

21 "Relocation" means a change of residence for more than 90
22 days that significantly impairs a parent's ability to exercise
23 the parental responsibilities that the parent has been
24 exercising or is entitled to exercise under a parenting plan or
25 allocation judgment.

26 "Religious upbringing" means the choice of religion or
27 denomination of a religion, religious schooling, religious
28 training, or participation in religious customs or practices.

29 "Residential responsibility" means the amount of time a
30 child spends in a parent's care.

31 "Restriction of parenting time" means any limitation or
32 condition placed on parenting time, including supervision.

33 "Significant decision-making" means deciding issues of
34 long-term importance in the life of a child.

35 "Stepparent" means a person, other than a biological or
36 adoptive parent, who is or was married to a legal parent.

1 "Supervision" means the presence of a third party during a
2 parent's exercise of parenting time.

3 (750 ILCS 5/601.2 new)

4 Sec. 601.2. Jurisdiction; commencement of proceeding.

5 (a) A court of this State that is competent to allocate
6 parental responsibilities has jurisdiction to make such an
7 allocation in original or modification proceedings as provided
8 in Section 201 of the Uniform Child-Custody Jurisdiction and
9 Enforcement Act as adopted by this State.

10 (b) A proceeding for allocation of parental
11 responsibilities with respect to a child is commenced in the
12 court:

13 (1) By a legal parent, by filing a petition for:

14 (A) dissolution of marriage or legal separation or
15 declaration of invalidity of marriage; or

16 (B) allocation of parental responsibilities with
17 respect to the child in the county in which the child
18 resides.

19 (2) By a de facto parent, as defined in Section 600, by
20 filing a petition for allocation of parental
21 responsibilities, if all of the following circumstances
22 are met:

23 (A) the petition is filed in the county in which
24 the child resides;

25 (B) it is alleged to be in the child's best
26 interests for the de facto parent to assume or continue
27 exercising parental responsibilities, as provided in
28 Section 602.7; and

29 (C) the petition is filed within 90 days after the
30 termination of the de facto parent's caretaking
31 functions with respect to the child.

32 (3) By an equitable parent, as defined in Section 600,
33 by filing a petition for allocation of parental
34 responsibilities, if all of the following circumstances
35 are met:

1 (A) a legal parent is deceased or disabled and
2 cannot perform caretaking functions with respect to
3 the child; and

4 (B) it is alleged to be in the child's best
5 interests for the equitable parent to assume or
6 continue exercising parental responsibilities, as
7 provided in Sections 602.5 and 602.7.

8 (4) By an equitable or de facto parent, as defined in
9 Section 600, seeking only an allocation of parenting time:

10 (A) if the legal parent and the equitable parent or
11 de facto parent have terminated their relationship; or

12 (B) if the legal parent and the equitable parent or
13 de facto parent are opposing parties in a pending
14 action for dissolution of marriage, legal separation,
15 declaration of invalidity of marriage, or parentage.

16 For purposes of subdivision (b) (4) (A), the
17 relationship between a legal parent and an equitable parent
18 or de facto parent is presumed to have terminated if those
19 parents are residing in separate residences.

20 (c) When a proceeding for allocation of parental
21 responsibilities is commenced, the parent commencing the
22 action must, at least 30 days before any hearing on the
23 petition, serve a written notice and a copy of the petition on
24 the child's parent and on any party previously appearing in any
25 prior proceeding for allocation of parental responsibilities
26 with respect to the child. Nothing in this Section shall
27 preclude a party in a proceeding for allocation of parental
28 responsibilities from moving for a temporary order under
29 Section 602.5.

30 (750 ILCS 5/602.5 new)

31 Sec. 602.5. Allocation of parental responsibilities:
32 decision-making.

33 (a) Generally. The court shall allocate decision-making
34 responsibilities according to the child's best interests.
35 Nothing in this Act requires that every parent be allocated

1 decision-making responsibilities.

2 (b) Allocation of significant decision-making
3 responsibilities. If a legal parent is exercising parental
4 responsibilities with respect to the child, the court shall not
5 allocate significant decision-making responsibilities to an
6 equitable or de facto parent as defined in Section 600. Unless
7 the parents otherwise agree in writing on an allocation of
8 significant decision-making responsibilities, the court shall
9 make the determination. The court shall allocate to one or more
10 of the parents the significant decision-making responsibility
11 for each significant issue affecting the child. Those
12 significant issues shall include, without limitation, the
13 following:

14 (1) Education, including the choice of schools and
15 tutors.

16 (2) Health, including all decisions relating to the
17 medical, dental, and psychological needs of the child and
18 to the treatments arising or resulting from those needs.

19 (3) Religion, subject to the following provisions:

20 (A) The court shall allocate parental
21 responsibility for the child's religious upbringing in
22 accordance with any express or implied agreement
23 between the parents.

24 (B) The court shall consider evidence of the
25 parents' past conduct as to the child's religious
26 upbringing in allocating parental responsibilities
27 consistent with demonstrated past conduct in the
28 absence of an express or implied agreement between the
29 parents.

30 (C) The court shall not allocate any aspect of the
31 child's religious upbringing if it determines that the
32 parents do not or did not have an express or implied
33 agreement for such religious upbringing or that there
34 is insufficient evidence to demonstrate a course of
35 conduct regarding the child's religious upbringing
36 that could serve as a basis for any such order.

1 (4) Extracurricular activities.

2 (c) Determination of child's best interests. In
3 determining the child's best interests for purposes of
4 allocating significant decision-making responsibilities, the
5 court shall consider all relevant factors, including, without
6 limitation, the following:

7 (1) The wishes of a child who is sufficiently mature to
8 express reasoned and independent preferences as to
9 significant decisions.

10 (2) The child's adjustment to his or her home, school,
11 and community.

12 (3) The mental and physical health of all individuals
13 involved.

14 (4) The ability of the parents to cooperate to make
15 decisions, or the level of conflict between the parties
16 that may affect their ability to share decision-making.

17 (5) The level of each parent's participation in past
18 significant decision-making with respect to the child.

19 (6) Any prior agreement or course of conduct between
20 the parents relating to decision-making with respect to the
21 child.

22 (7) The wishes of the parents.

23 (8) The child's needs in light of economic, physical,
24 or other circumstances.

25 (9) The distance between the parents' residences, the
26 cost and difficulty of transporting the child, each
27 parent's and the child's daily schedules, and the ability
28 of the parents to cooperate in the arrangement.

29 (10) Whether a restriction on decision-making is
30 appropriate under Section 603.10.

31 (11) The willingness and ability of each parent to
32 facilitate and encourage a close and continuing
33 relationship between the other parent and the child.

34 (12) Any other factor that the court expressly finds to
35 be relevant.

36 (d) If, over the prior 24 months preceding the filing of

1 the petition, or, if the child is under age 2, since the
2 child's birth, each parent has been exercising significant
3 decision-making responsibilities with respect to the child,
4 the court shall presume that it is in the child's best
5 interests to allocate significant decision-making
6 responsibilities to each parent. The presumption shall be
7 overcome if there has been a history of domestic violence or
8 abuse, or if it is shown that an allocation of any significant
9 decision-making responsibilities to one of the parents is not
10 in the child's best interests.

11 (e) A parent shall have sole responsibility for making
12 routine decisions with respect to the child and for emergency
13 decisions affecting the child's health and safety during that
14 parent's parenting time.

15 (f) In allocating significant decision-making
16 responsibilities, the court shall not consider conduct of a
17 parent that does not affect that parent's relationship to the
18 child.

19 (g) An equitable parent who is allocated significant
20 decision-making responsibilities is not entitled to access to
21 the child's school or health care records unless a court finds
22 that it is in the child's best interests to provide those
23 records to the parent.

24 (750 ILCS 5/602.7 new)

25 Sec. 602.7. Allocation of parental responsibilities:
26 parenting time.

27 (a) Generally. The court shall allocate parenting time
28 according to the child's best interests.

29 (b) Allocation of parenting time. Unless the parents
30 present an agreed written and notarized parenting plan and that
31 plan is approved by the court, the court shall allocate
32 parenting time. The court shall not place any restrictions on
33 parenting time as defined in Section 600 and described in
34 Section 603.10 unless it finds by a preponderance of the
35 evidence that a parent's exercise of parenting time would

1 seriously endanger the child's physical, mental, moral, or
2 emotional health.

3 In determining the child's best interests for purposes of
4 allocating parenting time, the court shall consider all
5 relevant factors, including, without limitation, the
6 following:

7 (1) The wishes of each parent seeking parenting time.

8 (2) The wishes of a child who is sufficiently mature to
9 express reasoned and independent preferences as to
10 parenting time.

11 (3) The amount of time each parent spent performing
12 caretaking functions with respect to the child in the 24
13 months preceding the filing of any petition for allocation
14 of parental responsibilities or, if the child is under 2
15 years of age, since the child's birth.

16 (4) Any prior agreement or course of conduct between
17 the parents relating to caretaking functions with respect
18 to the child.

19 (5) The interaction and interrelationship of the child
20 with his or her parents and siblings and with any other
21 person who may significantly affect the child's best
22 interests.

23 (6) The child's adjustment to his or her home, school,
24 and community.

25 (7) The mental and physical health of all individuals
26 involved.

27 (8) The child's needs in light of economic, physical,
28 or other circumstances.

29 (9) The distance between the parents' residences, the
30 cost and difficulty of transporting the child, each
31 parent's and the child's daily schedules, and the ability
32 of the parents to cooperate in the arrangement.

33 (10) The occurrence of abuse, whether directed against
34 the child or directed against another person.

35 (11) Whether a restriction on parenting time is
36 appropriate.

1 (12) The physical violence or threat of physical
2 violence by a parent, whether directed against the child or
3 directed against another person.

4 (13) The willingness and ability of each parent to
5 place the needs of the child ahead of his or her own needs.

6 (14) The willingness and ability of each parent to
7 facilitate and encourage a close and continuing
8 relationship between the other parent and the child.

9 (15) Any other factor that the court expressly finds to
10 be relevant.

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

14 (d) A parent, other than a legal parent, who is allocated
15 parenting time is not entitled to access to the child's school
16 or health care records unless a court finds that it is in the
17 child's best interests to provide those records to the parent.

18 (750 ILCS 5/602.10 new)

19 Sec. 602.10. Parenting plan.

20 (a) Generally. All parents, within 90 days after service or
21 filing of any petition for allocation of parental
22 responsibilities, must file with the court, either jointly or
23 separately, a proposed parenting plan supported by an affidavit
24 or affidavits that comply with subsection (g).

25 (b) No parenting plan filed. In the absence of filing of
26 one or more parenting plans with supporting affidavits, the
27 court must conduct an evidentiary hearing to allocate parental
28 responsibilities.

29 (c) Mediation. The court may order mediation to assist the
30 parents in formulating or modifying a parenting plan or in
31 implementing a parenting plan. The court may allocate the cost
32 of such mediation between the parties.

33 (d) Parents' agreement on parenting plan. The parents may
34 agree on a parenting plan at any time. The parenting plan must
35 be in writing and signed by all parents. The parents must

1 submit the parenting plan to the court for approval within 90
2 days after service of a petition for allocation of parental
3 responsibilities or the filing of an appearance. The parenting
4 plan must be accompanied by a joint affidavit that complies
5 with subsection (g), unless the filing of such an affidavit is
6 excused by the court. If the court does not approve the
7 parenting plan, the court shall make express findings of the
8 reason or reasons for its refusal to approve the plan. The
9 court, on its own motion, may conduct an evidentiary hearing to
10 determine whether the parenting plan is in the child's best
11 interests.

12 (e) Parents cannot agree on parenting plan. Each parent
13 must file and submit a written, signed parenting plan to the
14 court within 90 days after service of a petition for allocation
15 of parental responsibilities or the filing of an appearance.
16 The plan must be accompanied by a separate affidavit that
17 complies with subsection (g). The filing of the plan and
18 affidavit may be excused by the court if:

19 (1) the parties have commenced mediation for the
20 purpose of formulating a parenting plan; or

21 (2) the parents have agreed in writing to extend the
22 time for filing a proposed plan and supporting affidavit
23 and the court has approved such an extension; or

24 (3) the court orders otherwise for good cause shown.

25 (f) Parenting plan contents. At a minimum, a parenting plan
26 must set forth the following:

27 (1) An allocation of significant decision-making
28 responsibilities.

29 (2) Provisions for the child's living arrangements and
30 for each parent's parenting time, including either:

31 (A) a schedule that designates in which parent's
32 home the minor child will reside on given days; or

33 (B) a formula or method for determining such a
34 schedule in sufficient detail to be enforced in a
35 subsequent proceeding.

36 (3) A mediation provision addressing any proposed

1 revisions or disputes, except that this provision is not
2 required if one parent is allocated all significant
3 decision-making responsibilities.

4 (4) Each parent's right of access to medical, dental,
5 and psychological records (subject to the Mental Health and
6 Developmental Disabilities Confidentiality Act), child
7 care records, and school and extracurricular records,
8 reports, and schedules, unless expressly denied by a court
9 order or denied under subsection (g) of Section 602.5.

10 (5) A designation of the parent who will be denominated
11 as the parent with the majority of the residential
12 responsibility for purposes of Section 606.10.

13 (6) The child's residential address for school
14 enrollment purposes only.

15 (7) Each parent's residence address and phone number,
16 and each parent's place of employment and employment
17 address and phone number.

18 (8) A requirement that a parent changing his or her
19 residence provide at least 60 days prior written notice of
20 the change to any other parent under the parenting plan or
21 allocation judgment, unless such notice is impracticable
22 or unless otherwise ordered by the court. If such notice is
23 impracticable, written notice shall be given at the
24 earliest date practicable. At a minimum, the notice shall
25 set forth the following:

26 (A) The intended date of the change of residence.

27 (B) The address of the new residence.

28 (9) Provisions requiring each parent to notify the
29 other of emergencies, health care, travel plans, or other
30 significant child-related issues.

31 (10) Transportation arrangements between the parents.

32 (11) Provisions for communications with the child
33 during the other parent's parenting time.

34 (12) Provisions for resolving issues arising from a
35 parent's future relocation.

36 (13) Provisions for future modifications of the

1 parenting plan, if specified events occur.

2 (14) Any other provision that addresses the child's
3 best interests or that will otherwise facilitate
4 cooperation between the parents.

5 (g) Affidavit. The affidavit supporting a proposed
6 parenting plan must contain, to the best of the affiant's
7 knowledge, all of the following:

8 (1) The name and address of the child, every parent,
9 and any other person previously appearing in any prior
10 allocation proceeding.

11 (2) The name and address of every person with whom the
12 child has lived for one year or more, and the period of
13 time during which the child and each such person lived
14 together. If the child is less than one year old, the
15 affidavit must contain the name and address of any person
16 with whom the child lived for more than 60 days.

17 (3) A summary of the caretaking functions performed by
18 each person identified under paragraph (2), including such
19 functions performed during at least the 24 months preceding
20 the filing of the action for allocation of parental
21 responsibilities.

22 (4) A schedule of each parent's current hours of
23 employment, availability to perform caretaking functions
24 with respect to the child, existing child care
25 arrangements, and any anticipated changes.

26 (5) A summary schedule of the child's school and
27 extracurricular activities.

28 (6) A summary of any relevant existing risk factors,
29 including orders arising from allegations of abuse and the
30 case number and issuing court.

31 (7) A summary of the known areas of agreement and
32 disagreement between the parents concerning a proposed
33 parenting plan.

34 (750 ILCS 5/603.5 new)

35 Sec. 603.5. Temporary orders.

1 (a) A court may order a temporary allocation of parental
2 responsibilities in the child's best interests before the entry
3 of a final allocation judgment. Any such temporary allocation
4 shall be made in accordance with the standards set forth in
5 Sections 602.5 and 602.7 (i) after a hearing or (ii) if there
6 is no objection, on the basis of affidavits that, at a minimum,
7 comply with subsection (e) of Section 602.10.

8 (b) A temporary order allocating parental responsibilities
9 shall be deemed vacated when the action in which it was granted
10 is dismissed, unless a parent moves to continue the action for
11 allocation of parental responsibilities filed under Section
12 601.5.

13 (c) A temporary order allocating parental responsibilities
14 does not preclude access to the child by a parent who has been
15 exercising a reasonable share of caretaking functions with
16 respect to the child, unless a denial of such access is in the
17 child's best interests as determined in accordance with Section
18 602.5.

19 (750 ILCS 5/603.10 new)

20 Sec. 603.10. Restriction of parental responsibilities.

21 (a) After hearing, if the court finds by a preponderance of
22 the evidence that a parent engaged in any conduct that
23 seriously endangered the child's mental, moral, or physical
24 health or that significantly impaired the child's emotional
25 development, the court shall enter orders as necessary to
26 protect the child. Such orders may include, but are not limited
27 to, orders for one or more of the following:

28 (1) A reduction, elimination, or other adjustment of
29 the parent's decision-making responsibilities or parenting
30 time, or both decision-making responsibilities and
31 parenting time.

32 (2) Supervision, including ordering the Department of
33 Children and Family Services to exercise continuing
34 supervision under Section 5 of the Children and Family
35 Services Act to ensure compliance with the allocation

1 judgment.

2 (3) Requiring the exchange of the child between the
3 parents through an intermediary or in a protected setting.

4 (4) Restraining a parent's communication with or
5 proximity to the other parent or the child.

6 (5) Requiring a parent to abstain from possessing or
7 consuming alcohol or non-prescribed drugs while exercising
8 parenting time with the child and within a specified period
9 immediately preceding the exercise of parenting time.

10 (6) Restricting the presence of specific persons while
11 a parent is exercising parenting time with the child.

12 (7) Requiring a parent to post a bond to secure the
13 return of the child following the parent's exercise of
14 parenting time or to secure other performance required by
15 the court.

16 (8) Requiring a parent to complete a treatment program
17 for perpetrators of abuse, for drug or alcohol abuse, or
18 for other behavior that is the basis for restricting
19 parental responsibilities under this Section.

20 (9) Any other constraints or conditions that the court
21 deems necessary to provide for the child's safety or
22 welfare.

23 (b) The court may modify an order restricting parental
24 responsibilities if the court finds, after hearing, by a
25 preponderance of the evidence that a modification is in the
26 child's best interests based on (i) a change of circumstances
27 that occurred after the entry of an order restricting parental
28 responsibilities or (ii) conduct of which the court was
29 previously unaware that seriously endangers the child. In
30 determining whether to modify an order under this subsection,
31 the court must consider factors that include, but need not be
32 limited to, the following:

33 (1) Abuse, neglect, or abandonment of the child.

34 (2) Abusing or allowing abuse of another person that
35 had an impact upon the child.

36 (3) Use of drugs, alcohol, or any other substance in a

1 way that interferes with the parent's ability to perform
2 caretaking functions with respect to the child.

3 (4) Persistent continuing interference with the other
4 parent's access to the child, except for actions taken with
5 a reasonable, good-faith belief that they are necessary to
6 protect the child's safety pending adjudication of the
7 facts underlying that belief, provided that the
8 interfering parent initiates a proceeding to determine
9 those facts as soon as practicable.

10 (c) An order granting parenting time to a parent may be
11 revoked by the court if that parent is found to have knowingly
12 used his or her parenting time to facilitate contact between
13 the child and a parent who has been barred from contact with
14 the child or to have knowingly used his or her parenting time
15 to facilitate contact with the child that violates any
16 restrictions imposed on the parent's parenting time by a court
17 of competent jurisdiction. Nothing in this subsection limits a
18 court's authority to enforce its orders in any other manner
19 authorized by law.

20 (d) An order granting parenting time with a child whose
21 parent is prohibited from contact with the child, or whose
22 parenting time is restricted, shall contain the following
23 provision:

24 "If a parent granted parenting time under this Order
25 uses that time to facilitate contact between the child and
26 a parent whose parenting time is restricted, or if such a
27 parent violates any restrictions placed on his or her
28 parenting time by the court, the parenting time granted
29 under this Order shall be revoked until further order of
30 court."

31 (e) A parent who has been convicted of any offense
32 involving an illegal sex act perpetrated upon a victim less
33 than 18 years of age, including but not limited to an offense
34 under Article 12 of the Criminal Code of 1961, is not entitled
35 to parenting time while incarcerated or while on parole,
36 probation, conditional discharge, periodic imprisonment, or

1 mandatory supervised release for a felony offense, until the
2 parent complies with such terms and conditions as the court
3 determines are in the child's best interests.

4 (f) A parent may not, while the child is present, visit any
5 other parent of the child who has been convicted of first
6 degree murder unless the court finds, after considering all
7 relevant factors, including those set forth in subsection (c)
8 of Section 602.5, that it would be in the child's best
9 interests to allow the child to be present during such a visit.

10 (750 ILCS 5/604.10 new)

11 Sec. 604.10. Interviews; evaluations; investigation.

12 (a) Court's interview of child. The court may interview the
13 child in chambers to ascertain the child's wishes as to the
14 allocation of parental responsibilities. Counsel shall be
15 present at the interview unless otherwise agreed upon by the
16 parties. The entire interview shall be recorded by a court
17 reporter. The transcript of the interview shall be filed under
18 seal and released only upon order of the court. The cost of the
19 court reporter and transcript shall be paid by the court.

20 (b) Court's professional. The court may seek the advice of
21 any professional, whether or not regularly employed by the
22 court, to assist the court in determining the child's best
23 interests. The advice to the court shall be in writing and sent
24 by the professional to counsel for the parties and to the
25 court, under seal. The writing may be admitted into evidence
26 without testimony from its author, unless a party objects. A
27 professional consulted by the court shall testify as the
28 court's witness. The court shall order all costs and fees of
29 the professional to be paid by one or more of the parties,
30 subject to reallocation in accordance with subsection (a) of
31 Section 508.

32 (c) Evaluation by a party's retained professional. In a
33 proceeding to allocate parental responsibilities or to
34 relocate a child from Illinois, upon notice and motion made by
35 a parent or any party to the litigation within a reasonable

1 time before trial, the court shall order an evaluation to
2 assist the court in determining the child's best interests. The
3 evaluation may be in place of or in addition to any advice
4 given to the court by a professional under subsection (b). A
5 motion for an evaluation under this subsection must, at a
6 minimum, identify the proposed evaluator and the evaluator's
7 specialty or discipline. An order for an evaluation under this
8 subsection must set forth the evaluator's name, address, and
9 telephone number and the time, place, conditions, and scope of
10 the evaluation. No person shall be required to travel an
11 unreasonable distance for the evaluation. The party requesting
12 the evaluation shall pay the evaluator's fees and costs unless
13 otherwise ordered by the court.

14 The evaluator's report must, at a minimum, set forth the
15 following:

16 (1) A description of the procedures employed during the
17 evaluation.

18 (2) A report of the data collected.

19 (3) All test results.

20 (4) Any conclusions of the evaluator relating to the
21 allocation of parental responsibilities under Sections
22 602.5 and 602.7.

23 (5) Any recommendations of the evaluator concerning
24 the allocation of parental responsibilities or the child's
25 relocation from Illinois.

26 (6) An explanation of any limitations in the evaluation
27 or any reservations of the evaluator regarding the
28 resulting recommendations.

29 A party who retains a professional to conduct an evaluation
30 under this subsection shall cause the evaluator's written
31 report to be sent to the attorneys of record no less than 60
32 days before the hearing on the allocation of parental
33 responsibilities, unless otherwise ordered by the court; if a
34 party fails to comply with this provision, the court may not
35 admit the evaluator's report into evidence and may not allow
36 the evaluator to testify.

1 The party calling an evaluator to testify at trial shall
2 disclose the evaluator as a controlled expert witness in
3 accordance with the Supreme Court rules.

4 Any party to the litigation may call the evaluator as a
5 witness. That party shall pay the evaluator's fees and costs
6 for testifying, unless otherwise ordered by the court.

7 (d) Investigation. Upon notice and a motion by a parent or
8 any party to the litigation, or upon the court's own motion,
9 the court may order an investigation and report to assist the
10 court in allocating parental responsibilities. The
11 investigation may be made by any child welfare agency approved
12 by the Department of Children and Family Services, but shall
13 not be made by that Department unless the court determines
14 either that there is no child welfare agency available or that
15 no party is financially able to pay for the investigation. The
16 court shall specify the purpose and scope of the investigation.

17 The investigator shall send his or her report to all
18 attorneys of record, and to any party not represented, at least
19 60 days before the hearing on the allocation of parental
20 responsibilities. The court shall examine and consider the
21 investigator's report only after it has been admitted into
22 evidence or after the parties have waived their right to
23 cross-examine the investigator.

24 The investigator shall make available to all attorneys of
25 record, and to any party not represented, the investigator's
26 file, and the names and addresses of all persons whom the
27 investigator has consulted. Any party to the proceeding may
28 call the investigator, or any person consulted by the
29 investigator as a court's witness, for cross-examination. No
30 fees shall be paid for any investigation by a governmental
31 agency. The fees incurred by any other investigator shall be
32 allocated in accordance with Section 508.

33 (e) The Supreme Court of Illinois, through its
34 Administrative Office of the Illinois Courts, shall approve 3
35 hours of training for all of the following:

36 (1) Any professional whose advice the court seeks under

1 subsection (b) of this Section.

2 (2) Any professional who conducts an evaluation under
3 subsection (c) of this Section.

4 (3) Any individual who conducts an investigation under
5 subsection (d) of this Section.

6 (4) Any guardian ad litem or other individual appointed
7 by the court to represent a child in a proceeding
8 concerning the allocation of parental responsibilities
9 with respect to the child.

10 The training shall include a component on the dynamics of
11 domestic violence and its effect on parents and children.

12 (750 ILCS 5/606.5 new)

13 Sec. 606.5. Hearings.

14 (a) Proceedings to allocate parental responsibilities
15 shall receive priority in being set for hearing.

16 (b) The court, without a jury, shall determine questions of
17 law and fact.

18 (c) Previous statements made by the child relating to any
19 allegations that the child is an abused or neglected child
20 within the meaning of the Abused and Neglected Child Reporting
21 Act, or an abused or neglected minor within the meaning of the
22 Juvenile Court Act of 1987, shall be admissible in evidence in
23 a hearing concerning allocation of parental responsibilities.
24 No such statement, however, if uncorroborated and not subject
25 to cross examination, shall be sufficient in itself to support
26 a finding of abuse or neglect.

27 (d) If the court finds that a public hearing may be
28 detrimental to the child's best interests, the court shall
29 exclude the public from the hearing, but the court may admit
30 any person having:

31 (1) a direct and legitimate interest in the case; or

32 (2) a legitimate educational or research interest in
33 the work of the court, but only with the permission of one
34 of the parties.

35 (e) The court may make an appropriate order sealing the

1 records of any interview, report, investigation, or testimony.

2 (750 ILCS 5/606.10 new)

3 Sec. 606.10. Designation of custodian for purposes of other
4 statutes. Solely for the purposes of all State and federal
5 statutes that require a designation or determination of custody
6 or a custodian, a parenting plan shall designate the parent who
7 is allocated the majority of residential responsibility. This
8 designation shall not affect parents' rights and
9 responsibilities under the parenting plan.

10 (750 ILCS 5/607.5 new)

11 Sec. 607.5. Abuse of allocated parenting time.

12 (a) The court shall provide an expedited procedure for the
13 enforcement of allocated parenting time.

14 (b) An action for the enforcement of allocated parenting
15 time may be commenced by a parent or a person appointed under
16 Section 506 by filing a petition setting forth: (i) the
17 petitioner's name, residence address or mailing address, and
18 phone number; (ii) the respondent's name and place of
19 residence, place of employment, or mailing address; (iii) the
20 terms of the parenting plan or allocation judgment then in
21 effect; (iv) the nature of the violation of the allocation of
22 parenting time, giving dates and other relevant information;
23 and (v) that a reasonable attempt was made to resolve the
24 dispute.

25 (c) If the court finds by a preponderance of the evidence
26 that a parent has not complied with allocated parenting time
27 according to an approved parenting plan or a court order, the
28 court, in the child's best interests, shall issue an order that
29 may include one or more of the following:

30 (1) An imposition of additional terms and conditions
31 consistent with the court's previous allocation of
32 parenting time or other order.

33 (2) A requirement that either or both of the parties
34 attend a parental education program at the expense of the

1 non-complying parent.

2 (3) A requirement that the parties participate in
3 family counseling at the expense of the non-complying
4 parent.

5 (4) A requirement that the non-complying parent post a
6 cash bond or other security to ensure future compliance,
7 including a provision that the bond or other security may
8 be forfeited to the other parent for payment of expenses on
9 behalf of the child as the court shall direct.

10 (5) A requirement that makeup parenting time be
11 provided for the aggrieved parent or child under the
12 following conditions:

13 (A) That such parenting time is of the same type
14 and duration as the parenting time that was denied,
15 including but not limited to parenting time during
16 weekends, on holidays, and on weekdays and during times
17 when the child is not in school.

18 (B) That such parenting time is made up within 6
19 months after the noncompliance occurs, unless the
20 period of time or holiday cannot be made up within 6
21 months, in which case the parenting time shall be made
22 up within one year after the noncompliance occurs.

23 (6) A finding that the non-complying parent is in
24 contempt of court.

25 (7) Imposing on the non-complying parent an
26 appropriate civil fine per incident of denied parenting
27 time.

28 (8) A requirement that the non-complying parent
29 reimburse the other parent for all reasonable expenses
30 incurred as a result of the violation of the parenting plan
31 or court order.

32 (9) Any other provision that may promote the child's
33 best interests.

34 (d) In addition to any other order entered under subsection
35 (c), the court shall order a parent who has failed to provide
36 allocated parenting time or to exercise allocated parenting

1 time to pay the aggrieved party his or her reasonable
2 attorney's fees, court costs, and expenses associated with an
3 action brought under this Section. If the court finds that the
4 respondent in an action brought under this Section has not
5 violated the allocated parenting time, the court may order the
6 petitioner to pay the respondent's reasonable attorney's fees,
7 court costs, and expenses incurred in the action.

8 (e) Nothing in this Section precludes a party from
9 maintaining any other action as provided by law.

10 (750 ILCS 5/609.2 new)

11 Sec. 609.2. Parent's relocation.

12 (a) A parent's relocation constitutes a substantial change
13 in circumstances for purposes of Section 610.5.

14 (b) Only a parent who has been allocated a majority of
15 parenting time may seek to relocate with a child, except that
16 when parents have equal parenting time, either parent may seek
17 to relocate with a child.

18 (c) Any parent intending to relocate must provide at least
19 60 days prior written notice to any other parent under the
20 parenting plan or allocation judgment unless such notice is
21 impracticable (in which case written notice shall be given at
22 the earliest date practicable) or unless otherwise ordered by
23 the court. At a minimum, the notice must set forth the
24 following:

25 (1) The intended date of the parent's relocation.

26 (2) The address of the parent's intended new residence,
27 if known.

28 (3) The specific reasons for the parent's intended
29 relocation.

30 (4) A proposal modifying the parents' parental
31 responsibilities, if necessary, in light of the
32 relocation.

33 (5) If the parent's intended relocation requires a
34 change in the child's school, a statement of how the
35 relocating parent intends to meet the child's educational

1 needs.

2 The court may consider a parent's failure to comply with
3 the notice requirements of this Section without good cause (i)
4 as a factor in determining whether the parent's relocation is
5 in good faith and (ii) as a basis for awarding reasonable
6 attorney's fees and costs resulting from the parent's failure
7 to comply with these provisions.

8 (d) If a parent receives a written notice of the other
9 parent's intent to relocate and objects to the relocation, then
10 no later than 30 days after receiving the notice, the objecting
11 parent must file a petition setting forth objections to the
12 proposed relocation. A petition filed under this subsection
13 shall be expeditiously heard by the court. A parent's failure
14 to file for the relief provided under this subsection
15 constitutes a waiver of that parent's objections to the
16 relocation. If the court finds that objections are made in bad
17 faith, it shall award reasonable attorney's fees and costs to
18 the other party.

19 (e) The court shall modify the parenting plan or allocation
20 judgment to accommodate a parent's relocation as agreed by the
21 parents as long as the agreed modification is in the child's
22 best interests.

23 (f) The court shall modify the parenting plan or allocation
24 judgment to accommodate the relocation without changing the
25 proportion of parental responsibilities between the parties,
26 if practicable, as long as such a modification is in the
27 child's best interests.

28 (g) If a parent's relocation makes it impracticable to
29 maintain the same proportion of parental responsibilities
30 between the parties, the court shall modify the parenting plan
31 or allocation judgment in accordance with the child's best
32 interests. The court shall consider the following factors:

33 (1) The factors set forth in subsection (c) of this
34 Section.

35 (2) The reasons, if any, why a parent is objecting to
36 the intended relocation.

1 (3) The history and quality of each parent's
2 relationship with the child since the implementation of any
3 previous parenting plan or allocation judgment.

4 (4) The educational opportunities for the child at the
5 existing location and at the proposed new location.

6 (5) The presence or absence of extended family at the
7 existing location and at the proposed new location.

8 (6) The anticipated impact of the relocation on the
9 child.

10 (7) Whether the court will be able to fashion a
11 reasonable allocation of parental responsibilities between
12 all parents if the relocation occurs.

13 (8) The wishes of the child after taking into
14 consideration the child's age and maturity.

15 (9) Whether the intended relocation is valid, in good
16 faith, and to a location that is reasonable in light of the
17 purpose.

18 (10) Possible arrangements for the exercise of
19 parental responsibilities appropriate to the parents'
20 resources and circumstances and the developmental level of
21 the child.

22 (11) Minimization of the impairment to a parent-child
23 relationship caused by a parent's relocation.

24 (12) Any other relevant factors bearing on the child's
25 best interests.

26 (h) Unless the non-relocating parent demonstrates that a
27 reallocation of parental responsibilities is necessary to
28 prevent harm to the child, the court shall deny the
29 non-relocating parent's request for a reallocation of parental
30 responsibilities based on relocation if the non-relocating
31 parent either:

32 (1) failed to object to the relocation within the time
33 allowed; or

34 (2) has substantially failed or refused to exercise the
35 parental responsibilities allocated to him or her under the
36 parenting plan or allocation judgment.

1 (750 ILCS 5/610.5 new)

2 Sec. 610.5. Modification.

3 (a) Except in a case concerning the modification of any
4 restriction of parental responsibilities under Section 603.10,
5 the court shall modify a parenting plan or allocation judgment
6 when necessary to serve the child's best interests if the court
7 finds, by a preponderance of the evidence, that:

8 (1) on the basis of facts that have arisen since the
9 entry of the existing parenting plan or allocation judgment
10 or were not anticipated therein, a substantial change has
11 occurred in the circumstances of the child or of any parent
12 and that a modification is necessary to serve the child's
13 best interests; or

14 (2) the existing allocation of parental
15 responsibilities seriously endangers the child's physical,
16 mental, moral, or emotional health.

17 (b) The court shall modify a parenting plan or allocation
18 judgment in accordance with a parental agreement, unless it
19 finds that the modification is not in the child's best
20 interests.

21 (c) The court may modify a parenting plan or allocation
22 judgment without a showing of changed circumstances if (i) the
23 modification is in the child's best interests and (ii) any of
24 the following are proven as to the modification:

25 (A) The modification reflects the actual arrangement
26 under which the child has been receiving care, without
27 parental objection, for the 6 months preceding the filing
28 of the petition for modification, provided that the
29 arrangement is not the result of a parent's acquiescence
30 resulting from circumstances that negated the parent's
31 ability to give meaningful consent.

32 (B) The modification constitutes a minor modification
33 in the parenting plan or allocation judgment.

34 (C) The modification is necessary to modify an agreed
35 parenting plan or allocation judgment that the court would

1 not have ordered or approved under Section 602.5 or 602.7
2 had the court been aware of the circumstances at the time
3 of the order or approval.

4 (d) Attorney's fees and costs shall be assessed against a
5 party seeking modification if the court finds that the
6 modification action is vexatious or constitutes harassment.

7 (750 ILCS 5/612 new)

8 Sec. 612. Application of provisions concerning allocation
9 of parental responsibilities.

10 (a) The changes made by this amendatory Act of the 94th
11 General Assembly apply to all proceedings commenced on or after
12 the effective date of this amendatory Act of the 94th General
13 Assembly.

14 (b) The changes made by this amendatory Act of the 94th
15 General Assembly apply to all actions pending on the effective
16 date of this amendatory Act of the 94th General Assembly and to
17 all proceedings commenced before that effective date with
18 respect to issues on which a judgment has not been entered.
19 Evidence adduced after the effective date of this amendatory
20 Act of the 94th General Assembly shall comply with the changes
21 made by this amendatory Act of the 94th General Assembly.

22 (c) The changes made by this amendatory Act of the 94th
23 General Assembly apply to all proceedings commenced on or after
24 the effective date of this amendatory Act of the 94th General
25 Assembly for the modification of a judgment or order entered
26 before that effective date.

27 (d) In any action or proceeding in which an appeal was
28 pending or a new trial was ordered before the effective date of
29 this amendatory Act of the 94th General Assembly, the law in
30 effect at the time of the order sustaining the appeal or the
31 new trial governs the appeal, the new trial, and any subsequent
32 trial or appeal.

33 (750 ILCS 5/601 rep.)

34 (750 ILCS 5/601.5 rep.)

1 (750 ILCS 5/602 rep.)
2 (750 ILCS 5/602.1 rep.)
3 (750 ILCS 5/603 rep.)
4 (750 ILCS 5/604 rep.)
5 (750 ILCS 5/604.5 rep.)
6 (750 ILCS 5/605 rep.)
7 (750 ILCS 5/606 rep.)
8 (750 ILCS 5/607 rep.)
9 (750 ILCS 5/607.1 rep.)
10 (750 ILCS 5/608 rep.)
11 (750 ILCS 5/609 rep.)
12 (750 ILCS 5/610 rep.)
13 (750 ILCS 5/611 rep.)

14 Section 16. The Illinois Marriage and Dissolution of
15 Marriage Act is amended by repealing Sections 601, 601.5, 602,
16 602.1, 603, 604, 604.5, 605, 606, 607, 607.1, 608, 609, 610,
17 and 611.

18 Section 20. The Illinois Parentage Act of 1984 is amended
19 by changing Section 16 as follows:

20 (750 ILCS 45/16) (from Ch. 40, par. 2516)

21 Sec. 16. Modification of Judgment. The court has continuing
22 jurisdiction to modify an order for support or for allocation
23 of decision-making parental responsibilities or parenting time
24 or accommodating a parent's relocation ~~, custody, visitation,~~
25 ~~or removal~~ included in a judgment entered under this Act. Any
26 modification of a judgment allocating decision-making
27 responsibilities or parenting time or accommodating a parent's
28 relocation ~~custody, visitation, or removal~~ ~~judgment~~
29 ~~modification~~ shall be in accordance with the relevant factors
30 specified in the Illinois Marriage and Dissolution of Marriage
31 Act, including Section 609.2 ~~609~~. Any support judgment is
32 subject to modification or termination only in accordance with
33 Section 510 of the Illinois Marriage and Dissolution of
34 Marriage Act.

1 (Source: P.A. 93-139, eff. 7-10-03.)

2 Section 25. The Illinois Domestic Violence Act of 1986 is
3 amended by changing Sections 214 and 223 as follows:

4 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

5 Sec. 214. Order of protection; remedies.

6 (a) Issuance of order. If the court finds that petitioner
7 has been abused by a family or household member or that
8 petitioner is a high-risk adult who has been abused, neglected,
9 or exploited, as defined in this Act, an order of protection
10 prohibiting the abuse, neglect, or exploitation shall issue;
11 provided that petitioner must also satisfy the requirements of
12 one of the following Sections, as appropriate: Section 217 on
13 emergency orders, Section 218 on interim orders, or Section 219
14 on plenary orders. Petitioner shall not be denied an order of
15 protection because petitioner or respondent is a minor. The
16 court, when determining whether or not to issue an order of
17 protection, shall not require physical manifestations of abuse
18 on the person of the victim. Modification and extension of
19 prior orders of protection shall be in accordance with this
20 Act.

21 (b) Remedies and standards. The remedies to be included in
22 an order of protection shall be determined in accordance with
23 this Section and one of the following Sections, as appropriate:
24 Section 217 on emergency orders, Section 218 on interim orders,
25 and Section 219 on plenary orders. The remedies listed in this
26 subsection shall be in addition to other civil or criminal
27 remedies available to petitioner.

28 (1) Prohibition of abuse, neglect, or exploitation.
29 Prohibit respondent's harassment, interference with
30 personal liberty, intimidation of a dependent, physical
31 abuse, or willful deprivation, neglect or exploitation, as
32 defined in this Act, or stalking of the petitioner, as
33 defined in Section 12-7.3 of the Criminal Code of 1961, if
34 such abuse, neglect, exploitation, or stalking has

1 occurred or otherwise appears likely to occur if not
2 prohibited.

3 (2) Grant of exclusive possession of residence.
4 Prohibit respondent from entering or remaining in any
5 residence or household of the petitioner, including one
6 owned or leased by respondent, if petitioner has a right to
7 occupancy thereof. The grant of exclusive possession of the
8 residence shall not affect title to real property, nor
9 shall the court be limited by the standard set forth in
10 Section 701 of the Illinois Marriage and Dissolution of
11 Marriage Act.

12 (A) Right to occupancy. A party has a right to
13 occupancy of a residence or household if it is solely
14 or jointly owned or leased by that party, that party's
15 spouse, a person with a legal duty to support that
16 party or a minor child in that party's care, or by any
17 person or entity other than the opposing party that
18 authorizes that party's occupancy (e.g., a domestic
19 violence shelter). Standards set forth in subparagraph
20 (B) shall not preclude equitable relief.

21 (B) Presumption of hardships. If petitioner and
22 respondent each has the right to occupancy of a
23 residence or household, the court shall balance (i) the
24 hardships to respondent and any minor child or
25 dependent adult in respondent's care resulting from
26 entry of this remedy with (ii) the hardships to
27 petitioner and any minor child or dependent adult in
28 petitioner's care resulting from continued exposure to
29 the risk of abuse (should petitioner remain at the
30 residence or household) or from loss of possession of
31 the residence or household (should petitioner leave to
32 avoid the risk of abuse). When determining the balance
33 of hardships, the court shall also take into account
34 the accessibility of the residence or household.
35 Hardships need not be balanced if respondent does not
36 have a right to occupancy.

1 The balance of hardships is presumed to favor
2 possession by petitioner unless the presumption is
3 rebutted by a preponderance of the evidence, showing
4 that the hardships to respondent substantially
5 outweigh the hardships to petitioner and any minor
6 child or dependent adult in petitioner's care. The
7 court, on the request of petitioner or on its own
8 motion, may order respondent to provide suitable,
9 accessible, alternate housing for petitioner instead
10 of excluding respondent from a mutual residence or
11 household.

12 (3) Stay away order and additional prohibitions. Order
13 respondent to stay away from petitioner or any other person
14 protected by the order of protection, or prohibit
15 respondent from entering or remaining present at
16 petitioner's school, place of employment, or other
17 specified places at times when petitioner is present, or
18 both, if reasonable, given the balance of hardships.
19 Hardships need not be balanced for the court to enter a
20 stay away order or prohibit entry if respondent has no
21 right to enter the premises.

22 If an order of protection grants petitioner exclusive
23 possession of the residence, or prohibits respondent from
24 entering the residence, or orders respondent to stay away
25 from petitioner or other protected persons, then the court
26 may allow respondent access to the residence to remove
27 items of clothing and personal adornment used exclusively
28 by respondent, medications, and other items as the court
29 directs. The right to access shall be exercised on only one
30 occasion as the court directs and in the presence of an
31 agreed-upon adult third party or law enforcement officer.

32 (4) Counseling. Require or recommend the respondent to
33 undergo counseling for a specified duration with a social
34 worker, psychologist, clinical psychologist, psychiatrist,
35 family service agency, alcohol or substance abuse program,
36 mental health center guidance counselor, agency providing

1 services to elders, program designed for domestic violence
2 abusers or any other guidance service the court deems
3 appropriate.

4 (5) Physical care and possession of the minor child. In
5 order to protect the minor child from abuse, neglect, or
6 unwarranted separation from the person who has been the
7 minor child's primary caretaker, or to otherwise protect
8 the well-being of the minor child, the court may do either
9 or both of the following: (i) grant petitioner physical
10 care or possession of the minor child, or both, or (ii)
11 order respondent to return a minor child to, or not remove
12 a minor child from, the physical care of a parent or person
13 in loco parentis.

14 If a court finds, after a hearing, that respondent has
15 committed abuse (as defined in Section 103) of a minor
16 child, there shall be a rebuttable presumption that
17 awarding physical care to respondent would not be in the
18 minor child's best interest.

19 (6) Temporary allocation of parental responsibilities
20 ~~legal custody~~. Award temporary parental responsibility
21 ~~legal custody~~ to petitioner in accordance with this
22 Section, the Illinois Marriage and Dissolution of Marriage
23 Act, the Illinois Parentage Act of 1984, and this State's
24 Uniform Child-Custody Jurisdiction and Enforcement Act.

25 If a court finds, after a hearing, that respondent has
26 committed abuse (as defined in Section 103) of a minor
27 child, there shall be a rebuttable presumption that
28 awarding temporary parental responsibility ~~legal custody~~
29 to respondent would not be in the child's best interest.

30 (7) Parenting time ~~Visitation~~. Determine the parenting
31 time ~~visitation rights~~, if any, of respondent in any case
32 in which the court awards physical care or allocates
33 temporary parental responsibility ~~legal custody~~ of a minor
34 child to petitioner. The court shall restrict or deny
35 respondent's parenting time ~~visitation~~ with a minor child
36 if the court finds that respondent has done or is likely to

1 do any of the following: (i) abuse or endanger the minor
2 child during parenting time ~~visitation~~; (ii) use the
3 parenting time ~~visitation~~ as an opportunity to abuse or
4 harass petitioner or petitioner's family or household
5 members; (iii) improperly conceal or detain the minor
6 child; or (iv) otherwise act in a manner that is not in the
7 best interests of the minor child. The court shall not be
8 limited by the standards set forth in Section 603.10 ~~607.1~~
9 of the Illinois Marriage and Dissolution of Marriage Act.
10 If the court grants parenting time ~~visitation~~, the order
11 shall specify dates and times for the parenting time
12 ~~visitation~~ to take place or other specific parameters or
13 conditions that are appropriate. No order for parenting
14 time ~~visitation~~ shall refer merely to the term "reasonable
15 parenting time ~~visitation~~".

16 Petitioner may deny respondent access to the minor
17 child if, when respondent arrives for parenting time
18 ~~visitation~~, respondent is under the influence of drugs or
19 alcohol and constitutes a threat to the safety and
20 well-being of petitioner or petitioner's minor children or
21 is behaving in a violent or abusive manner.

22 If necessary to protect any member of petitioner's
23 family or household from future abuse, respondent shall be
24 prohibited from coming to petitioner's residence to meet
25 the minor child for parenting time ~~visitation~~, and the
26 parties shall submit to the court their recommendations for
27 reasonable alternative arrangements for parenting time
28 ~~visitation~~. A person may be approved to supervise parenting
29 time ~~visitation~~ only after filing an affidavit accepting
30 that responsibility and acknowledging accountability to
31 the court.

32 (8) Removal or concealment of minor child. Prohibit
33 respondent from removing a minor child from the State or
34 concealing the child within the State.

35 (9) Order to appear. Order the respondent to appear in
36 court, alone or with a minor child, to prevent abuse,

1 neglect, removal or concealment of the child, to return the
2 child to the custody or care of the petitioner or to permit
3 any court-ordered interview or examination of the child or
4 the respondent.

5 (10) Possession of personal property. Grant petitioner
6 exclusive possession of personal property and, if
7 respondent has possession or control, direct respondent to
8 promptly make it available to petitioner, if:

9 (i) petitioner, but not respondent, owns the
10 property; or

11 (ii) the parties own the property jointly; sharing
12 it would risk abuse of petitioner by respondent or is
13 impracticable; and the balance of hardships favors
14 temporary possession by petitioner.

15 If petitioner's sole claim to ownership of the property
16 is that it is marital property, the court may award
17 petitioner temporary possession thereof under the
18 standards of subparagraph (ii) of this paragraph only if a
19 proper proceeding has been filed under the Illinois
20 Marriage and Dissolution of Marriage Act, as now or
21 hereafter amended.

22 No order under this provision shall affect title to
23 property.

24 (11) Protection of property. Forbid the respondent
25 from taking, transferring, encumbering, concealing,
26 damaging or otherwise disposing of any real or personal
27 property, except as explicitly authorized by the court, if:

28 (i) petitioner, but not respondent, owns the
29 property; or

30 (ii) the parties own the property jointly, and the
31 balance of hardships favors granting this remedy.

32 If petitioner's sole claim to ownership of the property
33 is that it is marital property, the court may grant
34 petitioner relief under subparagraph (ii) of this
35 paragraph only if a proper proceeding has been filed under
36 the Illinois Marriage and Dissolution of Marriage Act, as

1 now or hereafter amended.

2 The court may further prohibit respondent from
3 improperly using the financial or other resources of an
4 aged member of the family or household for the profit or
5 advantage of respondent or of any other person.

6 (12) Order for payment of support. Order respondent to
7 pay temporary support for the petitioner or any child in
8 the petitioner's care or over whom the petitioner has been
9 allocated parental responsibility ~~custody~~, when the
10 respondent has a legal obligation to support that person,
11 in accordance with the Illinois Marriage and Dissolution of
12 Marriage Act, which shall govern, among other matters, the
13 amount of support, payment through the clerk and
14 withholding of income to secure payment. An order for child
15 support may be granted to a petitioner with lawful physical
16 care ~~or custody~~ of a child, or an order or agreement for
17 physical care of a child ~~or custody~~, prior to entry of an
18 order allocating parental responsibility ~~for legal~~
19 ~~custody~~. Such a support order shall expire upon entry of a
20 valid order allocating parental responsibility differently
21 ~~granting legal custody to another~~, unless otherwise
22 provided in the custody order.

23 (13) Order for payment of losses. Order respondent to
24 pay petitioner for losses suffered as a direct result of
25 the abuse, neglect, or exploitation. Such losses shall
26 include, but not be limited to, medical expenses, lost
27 earnings or other support, repair or replacement of
28 property damaged or taken, reasonable attorney's fees,
29 court costs and moving or other travel expenses, including
30 additional reasonable expenses for temporary shelter and
31 restaurant meals.

32 (i) Losses affecting family needs. If a party is
33 entitled to seek maintenance, child support or
34 property distribution from the other party under the
35 Illinois Marriage and Dissolution of Marriage Act, as
36 now or hereafter amended, the court may order

1 respondent to reimburse petitioner's actual losses, to
2 the extent that such reimbursement would be
3 "appropriate temporary relief", as authorized by
4 subsection (a) (3) of Section 501 of that Act.

5 (ii) Recovery of expenses. In the case of an
6 improper concealment or removal of a minor child, the
7 court may order respondent to pay the reasonable
8 expenses incurred or to be incurred in the search for
9 and recovery of the minor child, including but not
10 limited to legal fees, court costs, private
11 investigator fees, and travel costs.

12 (14) Prohibition of entry. Prohibit the respondent
13 from entering or remaining in the residence or household
14 while the respondent is under the influence of alcohol or
15 drugs and constitutes a threat to the safety and well-being
16 of the petitioner or the petitioner's children.

17 (14.5) Prohibition of firearm possession.

18 (a) When a complaint is made under a request for an
19 order of protection, that the respondent has
20 threatened or is likely to use firearms illegally
21 against the petitioner, and the respondent is present
22 in court, or has failed to appear after receiving
23 actual notice, the court shall examine on oath the
24 petitioner, and any witnesses who may be produced. If
25 the court is satisfied that there is any danger of the
26 illegal use of firearms, it shall issue an order that
27 any firearms in the possession of the respondent,
28 except as provided in subsection (b), be turned over to
29 the local law enforcement agency for safekeeping. If
30 the respondent has failed to appear, the court shall
31 issue a warrant for seizure of any firearm in the
32 possession of the respondent. The period of
33 safekeeping shall be for a stated period of time not to
34 exceed 2 years. The firearm or firearms shall be
35 returned to the respondent at the end of the stated
36 period or at expiration of the order of protection,

1 whichever is sooner.

2 (b) If the respondent is a peace officer as defined
3 in Section 2-13 of the Criminal Code of 1961, the court
4 shall order that any firearms used by the respondent in
5 the performance of his or her duties as a peace officer
6 be surrendered to the chief law enforcement executive
7 of the agency in which the respondent is employed, who
8 shall retain the firearms for safekeeping for the
9 stated period not to exceed 2 years as set forth in the
10 court order.

11 (15) Prohibition of access to records. If an order of
12 protection prohibits respondent from having contact with
13 the minor child, or if petitioner's address is omitted
14 under subsection (b) of Section 203, or if necessary to
15 prevent abuse or wrongful removal or concealment of a minor
16 child, the order shall deny respondent access to, and
17 prohibit respondent from inspecting, obtaining, or
18 attempting to inspect or obtain, school or any other
19 records of the minor child who is in the care of
20 petitioner.

21 (16) Order for payment of shelter services. Order
22 respondent to reimburse a shelter providing temporary
23 housing and counseling services to the petitioner for the
24 cost of the services, as certified by the shelter and
25 deemed reasonable by the court.

26 (17) Order for injunctive relief. Enter injunctive
27 relief necessary or appropriate to prevent further abuse of
28 a family or household member or further abuse, neglect, or
29 exploitation of a high-risk adult with disabilities or to
30 effectuate one of the granted remedies, if supported by the
31 balance of hardships. If the harm to be prevented by the
32 injunction is abuse or any other harm that one of the
33 remedies listed in paragraphs (1) through (16) of this
34 subsection is designed to prevent, no further evidence is
35 necessary that the harm is an irreparable injury.

36 (c) Relevant factors; findings.

1 (1) In determining whether to grant a specific remedy,
2 other than payment of support, the court shall consider
3 relevant factors, including but not limited to the
4 following:

5 (i) the nature, frequency, severity, pattern and
6 consequences of the respondent's past abuse, neglect
7 or exploitation of the petitioner or any family or
8 household member, including the concealment of his or
9 her location in order to evade service of process or
10 notice, and the likelihood of danger of future abuse,
11 neglect, or exploitation to petitioner or any member of
12 petitioner's or respondent's family or household; and

13 (ii) the danger that any minor child will be abused
14 or neglected or improperly relocated ~~removed~~ from the
15 jurisdiction, improperly concealed within the State or
16 improperly separated from the child's primary
17 caretaker.

18 (2) In comparing relative hardships resulting to the
19 parties from loss of possession of the family home, the
20 court shall consider relevant factors, including but not
21 limited to the following:

22 (i) availability, accessibility, cost, safety,
23 adequacy, location and other characteristics of
24 alternate housing for each party and any minor child or
25 dependent adult in the party's care;

26 (ii) the effect on the party's employment; and

27 (iii) the effect on the relationship of the party,
28 and any minor child or dependent adult in the party's
29 care, to family, school, church and community.

30 (3) Subject to the exceptions set forth in paragraph
31 (4) of this subsection, the court shall make its findings
32 in an official record or in writing, and shall at a minimum
33 set forth the following:

34 (i) That the court has considered the applicable
35 relevant factors described in paragraphs (1) and (2) of
36 this subsection.

1 (ii) Whether the conduct or actions of respondent,
2 unless prohibited, will likely cause irreparable harm
3 or continued abuse.

4 (iii) Whether it is necessary to grant the
5 requested relief in order to protect petitioner or
6 other alleged abused persons.

7 (4) For purposes of issuing an ex parte emergency order
8 of protection, the court, as an alternative to or as a
9 supplement to making the findings described in paragraphs
10 (c) (3) (i) through (c) (3) (iii) of this subsection, may use
11 the following procedure:

12 When a verified petition for an emergency order of
13 protection in accordance with the requirements of Sections
14 203 and 217 is presented to the court, the court shall
15 examine petitioner on oath or affirmation. An emergency
16 order of protection shall be issued by the court if it
17 appears from the contents of the petition and the
18 examination of petitioner that the averments are
19 sufficient to indicate abuse by respondent and to support
20 the granting of relief under the issuance of the emergency
21 order of protection.

22 (5) Never married parties. No rights or
23 responsibilities for a minor child born outside of marriage
24 attach to a putative father until a father and child
25 relationship has been established under the Illinois
26 Parentage Act of 1984, the Illinois Public Aid Code,
27 Section 12 of the Vital Records Act, the Juvenile Court Act
28 of 1987, the Probate Act of 1985, the Revised Uniform
29 Reciprocal Enforcement of Support Act, the Uniform
30 Interstate Family Support Act, the Expedited Child Support
31 Act of 1990, any judicial, administrative, or other act of
32 another state or territory, any other Illinois statute, or
33 by any foreign nation establishing the father and child
34 relationship, any other proceeding substantially in
35 conformity with the Personal Responsibility and Work
36 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),

1 or where both parties appeared in open court or at an
2 administrative hearing acknowledging under oath or
3 admitting by affirmation the existence of a father and
4 child relationship. Absent such an adjudication, finding,
5 or acknowledgement, no putative father shall be granted
6 temporary allocation of parental responsibilities,
7 including parenting time ~~custody of the minor child,~~
8 ~~visitation~~ with the minor child, or physical care and
9 possession of the minor child, nor shall an order of
10 payment for support of the minor child be entered.

11 (d) Balance of hardships; findings. If the court finds that
12 the balance of hardships does not support the granting of a
13 remedy governed by paragraph (2), (3), (10), (11), or (16) of
14 subsection (b) of this Section, which may require such
15 balancing, the court's findings shall so indicate and shall
16 include a finding as to whether granting the remedy will result
17 in hardship to respondent that would substantially outweigh the
18 hardship to petitioner from denial of the remedy. The findings
19 shall be an official record or in writing.

20 (e) Denial of remedies. Denial of any remedy shall not be
21 based, in whole or in part, on evidence that:

22 (1) Respondent has cause for any use of force, unless
23 that cause satisfies the standards for justifiable use of
24 force provided by Article VII of the Criminal Code of 1961;

25 (2) Respondent was voluntarily intoxicated;

26 (3) Petitioner acted in self-defense or defense of
27 another, provided that, if petitioner utilized force, such
28 force was justifiable under Article VII of the Criminal
29 Code of 1961;

30 (4) Petitioner did not act in self-defense or defense
31 of another;

32 (5) Petitioner left the residence or household to avoid
33 further abuse, neglect, or exploitation by respondent;

34 (6) Petitioner did not leave the residence or household
35 to avoid further abuse, neglect, or exploitation by
36 respondent;

1 (7) Conduct by any family or household member excused
2 the abuse, neglect, or exploitation by respondent, unless
3 that same conduct would have excused such abuse, neglect,
4 or exploitation if the parties had not been family or
5 household members.

6 (Source: P.A. 93-108, eff. 1-1-04.)

7 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)
8 Sec. 223. Enforcement of orders of protection.

9 (a) When violation is crime. A violation of any order of
10 protection, whether issued in a civil or criminal proceeding,
11 shall be enforced by a criminal court when:

12 (1) The respondent commits the crime of violation of an
13 order of protection pursuant to Section 12-30 of the
14 Criminal Code of 1961, by having knowingly violated:

15 (i) remedies described in paragraphs (1), (2),
16 (3), (14), or (14.5) of subsection (b) of Section 214
17 of this Act; or

18 (ii) a remedy, which is substantially similar to
19 the remedies authorized under paragraphs (1), (2),
20 (3), (14), and (14.5) of subsection (b) of Section 214
21 of this Act, in a valid order of protection which is
22 authorized under the laws of another state, tribe, or
23 United States territory; or

24 (iii) any other remedy when the act constitutes a
25 crime against the protected parties as defined by the
26 Criminal Code of 1961.

27 Prosecution for a violation of an order of protection
28 shall not bar concurrent prosecution for any other crime,
29 including any crime that may have been committed at the
30 time of the violation of the order of protection; or

31 (2) The respondent commits the crime of child abduction
32 pursuant to Section 10-5 of the Criminal Code of 1961, by
33 having knowingly violated:

34 (i) remedies described in paragraphs (5), (6) or
35 (8) of subsection (b) of Section 214 of this Act; or

1 (ii) a remedy, which is substantially similar to
2 the remedies authorized under paragraphs (5), (6), or
3 (8) of subsection (b) of Section 214 of this Act, in a
4 valid order of protection which is authorized under the
5 laws of another state, tribe, or United States
6 territory.

7 (b) When violation is contempt of court. A violation of any
8 valid Illinois order of protection, whether issued in a civil
9 or criminal proceeding, may be enforced through civil or
10 criminal contempt procedures, as appropriate, by any court with
11 jurisdiction, regardless where the act or acts which violated
12 the order of protection were committed, to the extent
13 consistent with the venue provisions of this Act. Nothing in
14 this Act shall preclude any Illinois court from enforcing any
15 valid order of protection issued in another state. Illinois
16 courts may enforce orders of protection through both criminal
17 prosecution and contempt proceedings, unless the action which
18 is second in time is barred by collateral estoppel or the
19 constitutional prohibition against double jeopardy.

20 (1) In a contempt proceeding where the petition for a
21 rule to show cause sets forth facts evidencing an immediate
22 danger that the respondent will flee the jurisdiction,
23 conceal a child, or inflict physical abuse on the
24 petitioner or minor children or on dependent adults in
25 petitioner's care, the court may order the attachment of
26 the respondent without prior service of the rule to show
27 cause or the petition for a rule to show cause. Bond shall
28 be set unless specifically denied in writing.

29 (2) A petition for a rule to show cause for violation
30 of an order of protection shall be treated as an expedited
31 proceeding.

32 (c) Violation of ~~custody or~~ support orders or temporary or
33 final judgments allocating parental responsibilities. A
34 violation of remedies described in paragraphs (5), (6), (8), or
35 (9) of subsection (b) of Section 214 of this Act may be
36 enforced by any remedy provided by Section 607.5 ~~611~~ of the

1 Illinois Marriage and Dissolution of Marriage Act. The court
2 may enforce any order for support issued under paragraph (12)
3 of subsection (b) of Section 214 in the manner provided for
4 under Parts ~~Articles~~ V and VII of the Illinois Marriage and
5 Dissolution of Marriage Act.

6 (d) Actual knowledge. An order of protection may be
7 enforced pursuant to this Section if the respondent violates
8 the order after the respondent has actual knowledge of its
9 contents as shown through one of the following means:

10 (1) By service, delivery, or notice under Section 210.

11 (2) By notice under Section 210.1 or 211.

12 (3) By service of an order of protection under Section
13 222.

14 (4) By other means demonstrating actual knowledge of
15 the contents of the order.

16 (e) The enforcement of an order of protection in civil or
17 criminal court shall not be affected by either of the
18 following:

19 (1) The existence of a separate, correlative order,
20 entered under Section 215.

21 (2) Any finding or order entered in a conjoined
22 criminal proceeding.

23 (f) Circumstances. The court, when determining whether or
24 not a violation of an order of protection has occurred, shall
25 not require physical manifestations of abuse on the person of
26 the victim.

27 (g) Penalties.

28 (1) Except as provided in paragraph (3) of this
29 subsection, where the court finds the commission of a crime
30 or contempt of court under subsections (a) or (b) of this
31 Section, the penalty shall be the penalty that generally
32 applies in such criminal or contempt proceedings, and may
33 include one or more of the following: incarceration,
34 payment of restitution, a fine, payment of attorneys' fees
35 and costs, or community service.

36 (2) The court shall hear and take into account evidence

1 of any factors in aggravation or mitigation before deciding
2 an appropriate penalty under paragraph (1) of this
3 subsection.

4 (3) To the extent permitted by law, the court is
5 encouraged to:

6 (i) increase the penalty for the knowing violation
7 of any order of protection over any penalty previously
8 imposed by any court for respondent's violation of any
9 order of protection or penal statute involving
10 petitioner as victim and respondent as defendant;

11 (ii) impose a minimum penalty of 24 hours
12 imprisonment for respondent's first violation of any
13 order of protection; and

14 (iii) impose a minimum penalty of 48 hours
15 imprisonment for respondent's second or subsequent
16 violation of an order of protection

17 unless the court explicitly finds that an increased penalty
18 or that period of imprisonment would be manifestly unjust.

19 (4) In addition to any other penalties imposed for a
20 violation of an order of protection, a criminal court may
21 consider evidence of any violations of an order of
22 protection:

23 (i) to increase, revoke or modify the bail bond on
24 an underlying criminal charge pursuant to Section
25 110-6 of the Code of Criminal Procedure of 1963;

26 (ii) to revoke or modify an order of probation,
27 conditional discharge or supervision, pursuant to
28 Section 5-6-4 of the Unified Code of Corrections;

29 (iii) to revoke or modify a sentence of periodic
30 imprisonment, pursuant to Section 5-7-2 of the Unified
31 Code of Corrections.

32 (5) In addition to any other penalties, the court shall
33 impose an additional fine of \$20 as authorized by Section
34 5-9-1.11 of the Unified Code of Corrections upon any person
35 convicted of or placed on supervision for a violation of an
36 order of protection. The additional fine shall be imposed

1 for each violation of this Section.

2 (Source: P.A. 93-359, eff. 1-1-04; revised 10-11-05.)

3 Section 30. The Probate Act of 1975 is amended by changing
4 Section 11-7.1 as follows:

5 (755 ILCS 5/11-7.1) (from Ch. 110 1/2, par. 11-7.1)

6 Sec. 11-7.1. Parenting time ~~Visitation rights~~.

7 (a) Whenever both natural or adoptive parents of a minor
8 are deceased, an allocation of parenting time ~~visitation rights~~
9 shall be granted to the grandparents of the minor who are the
10 parents of the minor's legal parents unless it is shown that
11 such parenting time ~~visitation~~ would be detrimental to the best
12 interests and welfare of the minor. In the discretion of the
13 court, reasonable parenting time ~~visitation rights~~ may be
14 granted to any other relative of the minor or other person
15 having an interest in the welfare of the child. However, the
16 court shall not grant parenting time ~~visitation privileges~~ to
17 any person who otherwise might have parenting time ~~visitation~~
18 ~~privileges~~ under this Section where the minor has been adopted
19 subsequent to the death of both his legal parents except where
20 such adoption is by a close relative. For the purpose of this
21 Section, "close relative" shall include, but not be limited to,
22 a grandparent, aunt, uncle, first cousin, or adult brother or
23 sister.

24 Where such adoption is by a close relative, the court shall
25 not grant parenting time ~~visitation privileges~~ under this
26 Section unless the petitioner alleges and proves that he or she
27 has been unreasonably denied parenting time ~~visitation~~ with the
28 child. The court may grant reasonable parenting time ~~visitation~~
29 ~~privileges~~ upon finding that such parenting time ~~visitation~~
30 would be in the best interest of the child.

31 An order denying parenting time ~~visitation rights~~ to
32 grandparents of the minor shall be in writing and shall state
33 the reasons for denial. An order denying parenting time
34 ~~visitation rights~~ is a final order for purposes of appeal.

1 (b) Unless the court determines, after considering all
2 relevant factors, including but not limited to those set forth
3 in Section 602.7 ~~602(a)~~ of the Illinois Marriage and
4 Dissolution of Marriage Act, that it would be in the best
5 interests of the child to allow parenting time ~~visitation~~, the
6 court shall not enter an order providing parenting time
7 ~~visitation rights~~ and pursuant to a motion to modify parenting
8 time ~~visitation~~ brought under Section 610.5 ~~607(f)~~ of the
9 Illinois Marriage and Dissolution of Marriage Act shall revoke
10 parenting time ~~visitation rights~~ previously granted to any
11 person who would otherwise be entitled to petition for
12 parenting time ~~visitation rights~~ under this Section who has
13 been convicted of first degree murder of the parent,
14 grandparent, great-grandparent, or sibling of the child who is
15 the subject of the order. Until an order is entered pursuant to
16 this subsection, no person shall visit, with the child present,
17 a person who has been convicted of first degree murder of the
18 parent, grandparent, great-grandparent, or sibling of the
19 child without the consent of the child's parent, other than a
20 parent convicted of first degree murder as set forth herein, or
21 legal guardian.

22 (Source: P.A. 90-801, eff. 6-1-99.)

23 Section 99. Effective date. This Act takes effect January
24 1, 2007.