

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Marriage and Dissolution of
5 Marriage Act is amended by changing Sections 602 and 602.1 and
6 by adding Section 601.5 as follows:

7 (750 ILCS 5/601.5 new)

8 Sec. 601.5. Training. The chief circuit judge or designated
9 presiding judge may approve 3 hours of training for guardian ad
10 litem appointed under Section 601 of this Act, professional
11 personnel appointed under Section 604 of this Act, evaluators
12 appointed under Section 604.5 of this Act, and investigators
13 appointed under Section 605 of this Act. This training shall
14 include a component on the dynamics of domestic violence and
15 its effect on parents and children.

16 (750 ILCS 5/602) (from Ch. 40, par. 602)

17 Sec. 602. Best Interest of Child.

18 (a) The court shall determine custody in accordance with
19 the best interest of the child. The court shall consider all
20 relevant factors including:

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

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

24 (3) the interaction and interrelationship of the child
25 with his parent or parents, his siblings and any other
26 person who may significantly affect the child's best
27 interest;

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

30 (5) the mental and physical health of all individuals
31 involved;

1 (6) the physical violence or threat of physical
2 violence by the child's potential custodian, whether
3 directed against the child or directed against another
4 person;

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

9 (8) the willingness and ability of each parent to
10 facilitate and encourage a close and continuing
11 relationship between the other parent and the child.

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

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

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

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

28 (750 ILCS 5/602.1) (from Ch. 40, par. 602.1)

29 Sec. 602.1. (a) The dissolution of marriage, the
30 declaration of invalidity of marriage, the legal separation of
31 the parents, or the parents living separate and apart shall not
32 diminish parental powers, rights, and responsibilities except
33 as the court for good reason may determine under the standards
34 of Section 602.

35 (b) Upon the application of either or both parents, or upon

1 its own motion, the court shall consider an award of joint
2 custody. Joint custody means custody determined pursuant to a
3 Joint Parenting Agreement or a Joint Parenting Order. In such
4 cases, the court shall initially request the parents to produce
5 a Joint Parenting Agreement. Such Agreement shall specify each
6 parent's powers, rights and responsibilities for the personal
7 care of the child and for major decisions such as education,
8 health care, and religious training. The Agreement shall
9 further specify a procedure by which proposed changes, disputes
10 and alleged breaches may be mediated or otherwise resolved and
11 shall provide for a periodic review of its terms by the
12 parents. In producing a Joint Parenting Agreement, the parents
13 shall be flexible in arriving at resolutions which further the
14 policy of this State as expressed in Sections 102 and 602. For
15 the purpose of assisting the court in making a determination
16 whether an award of joint custody is appropriate, the court may
17 order mediation and may direct that an investigation be
18 conducted pursuant to the provisions of Section 605. If there
19 is a danger to the health or safety of a partner, joint
20 mediation shall not be required by the court. In the event the
21 parents fail to produce a Joint Parenting Agreement, the court
22 may enter an appropriate Joint Parenting Order under the
23 standards of Section 602 which shall specify and contain the
24 same elements as a Joint Parenting Agreement, or it may award
25 sole custody under the standards of Sections 602, 607, and 608.

26 (c) The court may enter an order of joint custody if it
27 determines that joint custody would be in the best interests of
28 the child, taking into account the following:

29 (1) the ability of the parents to cooperate effectively
30 and consistently in matters that directly affect the joint
31 parenting of the child. "Ability of the parents to
32 cooperate" means the parents' capacity to substantially
33 comply with a Joint Parenting Order. The court shall not
34 consider the inability of the parents to cooperate
35 effectively and consistently in matters that do not
36 directly affect the joint parenting of the child;

1 (2) The residential circumstances of each parent; and

2 (3) all other factors which may be relevant to the best
3 interest of the child.

4 (d) Nothing within this section shall imply or presume that
5 joint custody shall necessarily mean equal parenting time. The
6 physical residence of the child in joint custodial situations
7 shall be determined by:

8 (1) express agreement of the parties; or

9 (2) order of the court under the standards of this
10 Section.

11 (e) Notwithstanding any other provision of law, access to
12 records and information pertaining to a child, including but
13 not limited to medical, dental, child care and school records,
14 shall not be denied to a parent for the reason that such parent
15 is not the child's custodial parent; however, no parent shall
16 have access to the school records of a child if the parent is
17 prohibited by an order of protection from inspecting or
18 obtaining such records pursuant to the Illinois Domestic
19 Violence Act of 1986, as now or hereafter amended.

20 (Source: P.A. 88-409.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.