



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB1941**

Introduced 2/25/2005, by Sen. John J. Cullerton

**SYNOPSIS AS INTRODUCED:**

New Act

Creates the Children's Parental Responsibility Act. Applies to the custody, support, and visitation of a child if 2 persons of the same sex have been responsible for the child's needs and have held themselves out as being the parents of the child, the child is no longer living with both persons, and it is in the best interests of the child for the court to take jurisdiction over the child and the child's parents and the persons holding themselves out to be the child's parents and provide for the child's best interests. Provides that a parent or a person who holds himself or herself out to be a parent of the child may access the courts by filing a petition to provide for the parental responsibility of the child. Sets forth requirements for petitions, responsive pleadings, and hearings. Provides that, if the court takes jurisdiction, it shall apply the provisions of the Illinois Marriage and Dissolution of Marriage Act and the Illinois Parentage Act of 1984 regarding custody, support, and visitation.

LRB094 10975 LCB 41575 b

1 AN ACT concerning children.

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

4 Section 1. Short title. This Act may be cited as the  
5 Children's Parental Responsibility Act.

6 Section 5. Findings. The General Assembly finds that:

7 (1) It is the responsibility of the State of Illinois  
8 to provide for the welfare of all children in the State of  
9 Illinois.

10 (2) The courts can currently provide, under the  
11 Illinois Marriage and Dissolution of Marriage Act, for the  
12 best interests of children who are products of a marriage  
13 and the custody, visitation, and support of those children.

14 (3) The courts can currently provide, under the  
15 Illinois Parentage Act of 1984, for the best interests of  
16 children who are the products of the relationship of 2  
17 heterosexual partners whose relationship does not include  
18 marriage and the custody, visitation, and support of those  
19 children.

20 (4) Children in the State of Illinois are currently  
21 being raised in families where the parents are of the same  
22 sex.

23 (5) It is in the best interests of these children that  
24 the courts of the State of Illinois have the jurisdiction  
25 and ability to provide for their custody, support, and  
26 visitation.

27 (6) It is hereby determined that, in order to provide  
28 for the well being and the best interests of all the  
29 children in the State of Illinois that the Illinois  
30 Children's Parental Responsibility Act be created.

31 Section 10. Jurisdiction. The purpose of this Act is to

1 provide for the best interests of a child including, but not  
2 limited to, custody, support, and visitation under the  
3 following circumstances:

4 (1) where a child has been parented, for more than one  
5 year, in a setting in which 2 persons of the same sex have  
6 been responsible for the child's needs and have held  
7 themselves out, to the child, each other, and the public as  
8 being the parents of the child; however, this Act applies  
9 immediately if (i) one person is the natural parent of the  
10 child and the other person has legally adopted the child or  
11 (ii) the relationship of the persons has been legally  
12 recognized in another state;

13 (2) where, for whatever reason, the child is no longer  
14 living with both persons and questions arise regarding the  
15 child's support, custody, visitation, and best interests;  
16 and

17 (3) it would be in the best interests of the child for  
18 the court to take jurisdiction over the child and the  
19 child's parents and the persons holding themselves out to  
20 be the child's parents and provide for the child's best  
21 interests.

22 Section 15. Contents of petition. Access to the courts  
23 shall be by filing a petition to provide for the parental  
24 responsibility of the child by one person allegedly holding  
25 himself or herself out as a parent. The petition shall state:

26 (1) the name and address of the petitioner and the  
27 respondents;

28 (2) whether there is any other person who has been  
29 found by a court to be a parent and whether that person's  
30 parental rights have been terminated;

31 (3) whether either of the parties is currently married  
32 and whether any child or children were born during the  
33 marriage;

34 (4) the length of time that the petitioner and  
35 respondent have co-parented the child;

- 1 (5) the name and age of the child;
- 2 (6) the location of the child;
- 3 (7) the grounds upon which the court should find that
- 4 the petitioner co-parented the child; and
- 5 (8) why it is in the best interest of the child that
- 6 the court take jurisdiction over the parties and the
- 7 proceeding.

8 A copy of any other court orders or documents from this

9 State or any other state affecting, relating to, or deciding

10 the custody, support, or visitation rights of the child shall

11 be attached to the petition.

12 Section 20. Notice; responsive pleadings.

13 (a) The petition shall be served on the respondent and any

14 other person named in the petition as being a parent who has

15 standing in the same manner as in all other civil cases.

16 (b) A respondent shall file a responsive pleading within 30

17 days.

18 (c) If any person exists who has been previously found to

19 be the parent of the child or who is currently married to one

20 of the parties and the child was born during the marriage, that

21 person shall be served and shall file a responsive pleading

22 within 30 days.

23 Section 25. Hearing. The court shall hold a hearing to

24 determine whether it shall take jurisdiction under this Act. If

25 the court finds that it shall take jurisdiction, then the court

26 shall apply the Illinois Marriage and Dissolution of Marriage

27 Act and the Illinois Parentage Act of 1984 regarding custody,

28 support, and visitation.

29 Section 30. Rights of child. Nothing in this Act dilutes or

30 negates any right a child has under the law.