

# SB1529



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB1529

Introduced 2/18/2009, by Sen. Emil Jones, III

#### SYNOPSIS AS INTRODUCED:

750 ILCS 5/602

from Ch. 40, par. 602

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that in the case of a custody proceeding in which a stepparent has standing, a judge shall not interfere with the decision making rights that a natural parent was granted in a prior custody proceeding. Effective immediately.

LRB096 10908 AJO 21153 b

A BILL FOR

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 Section 602 as follows:

6 (750 ILCS 5/602) (from Ch. 40, par. 602)

7 Sec. 602. Best Interest of Child.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (d) In the case of a custody proceeding in which a

1 stepparent has standing under Section 601, a judge shall not  
2 interfere with the decision making rights that a natural parent  
3 was granted in a prior custody proceeding.

4 (Source: P.A. 94-377, eff. 7-29-05; 94-643, eff. 1-1-06;  
5 95-331, eff. 8-21-07.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.