



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5629

Introduced 2/15/2012, by Rep. Dwight Kay - Kay Hatcher

SYNOPSIS AS INTRODUCED:

750 ILCS 5/602.5 new

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that the parent of a child who has been diagnosed with mental or physical developmental disabilities shall communicate to the other parent in writing any major decision regarding the minor child's education or medical, dental, or psychological treatment. Provides that the other parent shall in a timely manner agree or object to the decision. Provides that a parent may not unreasonably withhold approval of the other parent's decision. Provides that objections that are not resolved must be submitted to mediation and, if that does not succeed, the matter shall be resolved by the court. Provides that if the court finds that the objecting parent unreasonably withheld agreement, the objecting parent shall be ordered to pay the mediation fees and the other parent's attorney's fees.

LRB097 18449 AJO 63677 b

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 adding Section 602.5 as follows:

6 (750 ILCS 5/602.5 new)

7 Sec. 602.5. Mental or physical developmental disability of
8 a minor child.

9 (a) The parent of a minor child who has been diagnosed with
10 mental or physical developmental disabilities shall
11 communicate to the other parent in writing any major decision
12 regarding the minor child's education or medical, dental, or
13 psychological treatment. The parent receiving the
14 communication must acknowledge receipt of the communication
15 within 7 days after receipt. Within 14 days after receipt, the
16 parent receiving the communication must communicate to the
17 other parent his or her agreement with or objection to the
18 decision regarding the child's education or medical, dental, or
19 psychological treatment.

20 (b) A parent may not unreasonably withhold approval of the
21 other parent's decision regarding the child's education or
22 medical, dental, or psychological treatment.

23 (c) If there is an objection and the parties do not come to

1 an agreement, the issue must be submitted to mediation within
2 14 days after the parent receives the objection from the other
3 parent.

4 (d) If no agreement is reached in mediation, the objecting
5 parent must submit the issue to the court within 7 days after
6 the final mediation session. If the issue must be determined by
7 the court and the court finds that the approval of the
8 objecting parent was unreasonably withheld, the court shall
9 order the objecting parent to pay the mediation fees and the
10 attorney's fees of the other parent.