

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 602.3 as follows:

6 (750 ILCS 5/602.3 new)

7 Sec. 602.3. Care of minor children; right of first refusal.

8 (a) If the court awards joint custody under Section 602.1
9 or visitation rights under Section 607, the court may consider,
10 consistent with the best interest of the child as defined in
11 Section 602, whether to award to one or both of the parties the
12 right of first refusal to provide child care for the minor
13 child or children during the other parent's normal parenting
14 time, unless the need for child care is attributable to an
15 emergency.

16 (b) As used in this Section, "right of first refusal" means
17 that if a party intends to leave the minor child or children
18 with a substitute child-care provider for a significant period
19 of time, that party must first offer the other party an
20 opportunity to personally care for the minor child or children.
21 The parties may agree to a right of first refusal that is
22 consistent with the best interest of the minor child or
23 children. If there is no agreement and the court determines

1 that a right of first refusal is in the best interest of the
2 minor child or children, the court shall consider and make
3 provisions in its order for:

4 (1) the length and kind of child-care requirements
5 invoking the right of first refusal;

6 (2) notification to the other parent and for his or her
7 response;

8 (3) transportation requirements; and

9 (4) any other action necessary to protect and promote
10 the best interest of the minor child or children.

11 (c) The right of first refusal may be enforced under
12 Section 607.1 of this Act.

13 (d) The right of first refusal is terminated upon the
14 termination of custody or visitation rights.