

1 AN ACT concerning family 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 607 as follows:

6 (750 ILCS 5/607) (from Ch. 40, par. 607)

7 Sec. 607. Visitation.

8 (a) A parent not granted custody of the child is
9 entitled to reasonable visitation rights unless the court
10 finds, after a hearing, that visitation would endanger
11 seriously the child's physical, mental, moral or emotional
12 health. If the custodian's street address is not identified,
13 pursuant to Section 708, the court shall require the parties
14 to identify reasonable alternative arrangements for
15 visitation by a non-custodial parent, including but not
16 limited to visitation of the ~~minor~~ child at the residence of
17 another person or at a local public or private facility.
18 Notwithstanding any other provision of law and
19 notwithstanding the absence of a custody order, a parent of
20 a child who has attained majority and is mentally or
21 physically disabled is entitled to reasonable visitation
22 rights with the child unless the court finds, after a
23 hearing, that visitation would endanger seriously the child's
24 physical, mental, moral or emotional health.

25 (b) (1) The court may grant reasonable visitation
26 privileges to a grandparent, great-grandparent, or sibling of
27 any minor child upon petition to the court by the
28 grandparents or great-grandparents or on behalf of the
29 sibling, with notice to the parties required to be notified
30 under Section 601 of this Act, if the court determines that
31 it is in the best interests and welfare of the child, and may

1 issue any necessary orders to enforce such visitation
2 privileges. Except as provided in paragraph (2) of this
3 subsection (b), a petition for visitation privileges may be
4 filed under this paragraph (1) whether or not a petition
5 pursuant to this Act has been previously filed or is
6 currently pending if one or more of the following
7 circumstances exist:

8 (A) the parents are not currently cohabiting on a
9 permanent or an indefinite basis;

10 (B) one of the parents has been absent from the
11 marital abode for more than one month without the spouse
12 knowing his or her whereabouts;

13 (C) one of the parents is deceased;

14 (D) one of the parents joins in the petition with
15 the grandparents, great-grandparents, or sibling; or

16 (E) a sibling is in State custody.

17 (1.5) The Court may grant reasonable visitation
18 privileges to a stepparent upon petition to the court by the
19 stepparent, with notice to the parties required to be
20 notified under Section 601 of this Act, if the court
21 determines that it is in the best interests and welfare of
22 the child, and may issue any necessary orders to enforce
23 those visitation privileges. A petition for visitation
24 privileges may be filed under this paragraph (1.5) whether or
25 not a petition pursuant to this Act has been previously filed
26 or is currently pending if the following circumstances are
27 met:

28 (A) the child is at least 12 years old;

29 (B) the child resided continuously with the parent
30 and stepparent for at least 5 years;

31 (C) the parent is deceased or is disabled and is
32 unable to care for the child;

33 (D) the child wishes to have reasonable visitation
34 with the stepparent; and

1 (E) the stepparent was providing for the care,
2 control, and welfare to the child prior to the initiation
3 of the petition for visitation.

4 (2)(A) A petition for visitation privileges shall not be
5 filed pursuant to this subsection (b) by the parents or
6 grandparents of a putative father if the paternity of the
7 putative father has not been legally established.

8 (B) A petition for visitation privileges may not be
9 filed under this subsection (b) if the child who is the
10 subject of the grandparents' or great-grandparents' petition
11 has been voluntarily surrendered by the parent or parents,
12 except for a surrender to the Illinois Department of Children
13 and Family Services or a foster care facility, or has been
14 previously adopted by an individual or individuals who are
15 not related to the biological parents of the child or is the
16 subject of a pending adoption petition by an individual or
17 individuals who are not related to the biological parents of
18 the child.

19 (3) When one parent is deceased, the surviving parent
20 shall not interfere with the visitation rights of the
21 grandparents.

22 (c) The court may modify an order granting or denying
23 visitation rights of a parent whenever modification would
24 serve the best interest of the child; but the court shall
25 not restrict a parent's visitation rights unless it finds
26 that the visitation would endanger seriously the child's
27 physical, mental, moral or emotional health. The court may
28 modify an order granting, denying, or limiting visitation
29 rights of a grandparent, great-grandparent, or sibling of any
30 minor child whenever a change of circumstances has occurred
31 based on facts occurring subsequent to the judgment and the
32 court finds by clear and convincing evidence that the
33 modification is in the best interest of the minor child.

34 (d) If any court has entered an order prohibiting a

1 non-custodial parent of a child from any contact with a child
2 or restricting the non-custodial parent's contact with the
3 child, the following provisions shall apply:

4 (1) If an order has been entered granting
5 visitation privileges with the child to a grandparent or
6 great-grandparent who is related to the child through the
7 non-custodial parent, the visitation privileges of the
8 grandparent or great-grandparent may be revoked if:

9 (i) a court has entered an order prohibiting
10 the non-custodial parent from any contact with the
11 child, and the grandparent or great-grandparent is
12 found to have used his or her visitation privileges
13 to facilitate contact between the child and the
14 non-custodial parent; or

15 (ii) a court has entered an order restricting
16 the non-custodial parent's contact with the child,
17 and the grandparent or great-grandparent is found to
18 have used his or her visitation privileges to
19 facilitate contact between the child and the
20 non-custodial parent in a manner that violates the
21 terms of the order restricting the non-custodial
22 parent's contact with the child.

23 Nothing in this subdivision (1) limits the authority
24 of the court to enforce its orders in any manner
25 permitted by law.

26 (2) Any order granting visitation privileges with
27 the child to a grandparent or great-grandparent who is
28 related to the child through the non-custodial parent
29 shall contain the following provision:

30 "If the (grandparent or great-grandparent, whichever
31 is applicable) who has been granted visitation privileges
32 under this order uses the visitation privileges to
33 facilitate contact between the child and the child's
34 non-custodial parent, the visitation privileges granted

1 under this order shall be permanently revoked."

2 (e) No parent, not granted custody of the child, or
3 grandparent, or great-grandparent, or stepparent, or sibling
4 of any minor child, convicted of any offense involving an
5 illegal sex act perpetrated upon a victim less than 18 years
6 of age including but not limited to offenses for violations
7 of Article 12 of the Criminal Code of 1961, is entitled to
8 visitation rights while incarcerated or while on parole,
9 probation, conditional discharge, periodic imprisonment, or
10 mandatory supervised release for that offense, and upon
11 discharge from incarceration for a misdemeanor offense or
12 upon discharge from parole, probation, conditional discharge,
13 periodic imprisonment, or mandatory supervised release for a
14 felony offense, visitation shall be denied until the person
15 successfully completes a treatment program approved by the
16 court.

17 (f) Unless the court determines, after considering all
18 relevant factors, including but not limited to those set
19 forth in Section 602(a), that it would be in the best
20 interests of the child to allow visitation, the court shall
21 not enter an order providing visitation rights and pursuant
22 to a motion to modify visitation shall revoke visitation
23 rights previously granted to any person who would otherwise
24 be entitled to petition for visitation rights under this
25 Section who has been convicted of first degree murder of the
26 parent, grandparent, great-grandparent, or sibling of the
27 child who is the subject of the order. Until an order is
28 entered pursuant to this subsection, no person shall visit,
29 with the child present, a person who has been convicted of
30 first degree murder of the parent, grandparent,
31 great-grandparent, or sibling of the child without the
32 consent of the child's parent, other than a parent convicted
33 of first degree murder as set forth herein, or legal
34 guardian.

1 (g) If an order has been entered limiting, for cause, a
2 minor child's contact or visitation with a grandparent,
3 great-grandparent, or sibling on the grounds that it was in
4 the best interest of the child to do so, that order may be
5 modified only upon a showing of a substantial change in
6 circumstances occurring subsequent to the entry of the order
7 with proof by clear and convincing evidence that modification
8 is in the best interest of the minor child.

9 (Source: P.A. 90-782, eff. 8-14-98; 90-801, eff. 6-1-99;
10 91-357, eff. 7-29-99; 91-610, eff. 8-19-99.)