



Rep. Ronald A. Wait

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09600HB4202ham001

LRB096 05711 AJ0 24721 a

1 AMENDMENT TO HOUSE BILL 4202

2 AMENDMENT NO. _____. Amend House Bill 4202 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Marriage and Dissolution of
5 Marriage Act is amended by adding Section 610.5 as follows:

6 (750 ILCS 5/610.5 new)

7 Sec. 610.5. Out of State military service.

8 (a) Whenever it is determined in a proceeding to establish,
9 modify, or enforce child custody or visitation with a child
10 that a parent who is a party to the proceeding is a person on
11 active military duty stationed out of State, the court must
12 treat any order establishing, modifying, or enforcing child
13 custody or visitation with a child as a temporary order.

14 (b) An order that qualifies as a temporary order under this
15 Section:

16 (1) does not prejudice the rights of the parties or the

1 child which are to be adjudicated at a subsequent hearing
2 in the proceeding;

3 (2) may be incorporated into a final judgment, but only
4 if the court makes a finding that this Section applies and
5 the judgment provides that it may be modified to the extent
6 that it establishes, modifies, or enforces child custody
7 without meeting the requirements of Section 610; and

8 (3) terminates when the court enters a subsequent order
9 or judgment following a hearing that is held:

10 (A) after the person is discharged from active
11 military duty; or

12 (B) after the person, although remaining on active
13 military duty, is no longer stationed out of State.

14 (c) "Active-duty military member" means, for purposes of
15 this Section, a person who is currently serving on active duty
16 as a member of the Armed Forces of the United States, the
17 Illinois National Guard, or any reserve component of the Armed
18 Forces of the United States."