



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2992

by Rep. Josh Harms

SYNOPSIS AS INTRODUCED:

750 ILCS 5/602.3 new

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that if the court finds that it is in the best interest of the child and awards joint custody or visitation rights, the court shall find that both parties have the right of first refusal to care for the minor children if the absence of either party is necessary during the party's normal parenting time. Provides that the use of baby-sitters, family members, or subsequent spouses is secondary to the right of first refusal. Provides that "right of first refusal" means that in the event that either parent intends to leave the minor children for a period of 4 hours or longer, that parent shall first offer the other parent an opportunity for additional time with the children before making other arrangements for the temporary care of the children. Contains provisions concerning the setting of parameters regarding distance, transportation, and time constraints which may make the offering of additional parenting time impractical and therefore not required. Provides that the parent leaving the children with the other parent or with a temporary child care provider shall notify the other parent of the duration of the parenting time or temporary care of the children by other persons. Contains procedural requirements regarding the offering and acceptance of additional parenting time. Provides that the parent exercising additional parenting time shall provide the necessary transportation unless the parties agree otherwise. Provides that the new provisions are enforceable under the Section of the Act concerning visitation abuse. Provides that the right of first refusal shall be terminated upon the termination of custody or visitation rights.

LRB098 07270 HEP 41552 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 602.3 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 finds under Section 602 of this Act that
9 it is in the best interest of the child and awards joint
10 custody under Section 602.1 or visitation rights under Section
11 607, the court shall find that both parties have the right of
12 first refusal to care for the minor children if the absence of
13 either party is necessary during the party's normal parenting
14 time. The use of baby-sitters, family members, or subsequent
15 spouses is secondary to the right of first refusal.

16 (b) As used in this Section, "right of first refusal" means
17 that in the event that either parent intends to leave the minor
18 children for a period of 4 hours or longer, that parent shall
19 first offer the other parent an opportunity for additional time
20 with the children before making other arrangements for the
21 temporary care of the children, unless distance,
22 transportation, and time constraints make the additional
23 parenting time impractical. Parameters regarding distance,

1 transportation, and time shall be set by the court, taking into
2 account the priority of maximum parental involvement and the
3 parties' particular circumstances. If the parties agree on
4 parameters, the court shall enter the agreement as an order.

5 (c) The parent leaving the children with the other parent
6 or with a temporary child care provider shall notify the other
7 parent of the duration of the parenting time or temporary care
8 of the children by other persons.

9 (d) As soon as the offering parent has knowledge that
10 future additional parenting time will be available, the
11 offering parent must make earnest attempts to inform the other
12 parent of the future time available, as soon as possible, but
13 not later than 24 hours from the time of first learning of the
14 additional parenting time. Once notified of the opportunity for
15 additional parenting time, the parent offered the additional
16 time must respond and accept or decline as soon as possible,
17 but not later than 24 hours from the time that the offer was
18 first made. If some or all of the additional parenting time is
19 lost due to a failure to respond in a reasonable timely manner,
20 the loss of parenting time is not a violation of this Act.

21 (e) The parent exercising additional parenting time shall
22 provide the necessary transportation unless the parties agree
23 otherwise.

24 (f) The right of first refusal is subject to enforcement
25 under Section 607.1 of this Act.

26 (g) The right of first refusal shall be terminated upon the

1 termination of custody or visitation rights.