



Rep. Daniel Didech

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10400HB1280ham001

LRB104 07539 JRC 34410 a

1 AMENDMENT TO HOUSE BILL 1280

2 AMENDMENT NO. _____. Amend House Bill 1280 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 changing Sections 602.7 and 602.9
6 and by adding Part VI-A as follows:

7 (750 ILCS 5/602.7)

8 Sec. 602.7. Allocation of parental responsibilities:
9 parenting time.

10 (a) Best interests. The court shall allocate parenting
11 time according to the child's best interests.

12 (b) Allocation of parenting time. Unless the parents
13 present a mutually agreed written parenting plan and that plan
14 is approved by the court, the court shall allocate parenting
15 time. It is presumed both parents are fit and the court shall
16 not place any restrictions on parenting time as defined in

1 Section 600 and described in Section 603.10, unless it finds
2 by a preponderance of the evidence that a parent's exercise of
3 parenting time would seriously endanger the child's physical,
4 mental, moral, or emotional health.

5 In determining the child's best interests for purposes of
6 allocating parenting time, the court shall consider all
7 relevant factors, including, without limitation, the
8 following:

9 (1) the wishes of each parent seeking parenting time;

10 (2) the wishes of the child, taking into account the
11 child's maturity and ability to express reasoned and
12 independent preferences as to parenting time;

13 (3) the amount of time each parent spent performing
14 caretaking functions with respect to the child in the 24
15 months preceding the filing of any petition for allocation
16 of parental responsibilities or, if the child is under 2
17 years of age, since the child's birth;

18 (4) any prior agreement or course of conduct between
19 the parents relating to caretaking functions with respect
20 to the child;

21 (5) the interaction and interrelationship of the child
22 with his or her parents and siblings and with any other
23 person who may significantly affect the child's best
24 interests;

25 (6) the child's adjustment to his or her home, school,
26 and community;

1 (7) the mental and physical health of all individuals
2 involved;

3 (8) the child's needs;

4 (9) the distance between the parents' residences, the
5 cost and difficulty of transporting the child, each
6 parent's and the child's daily schedules, and the ability
7 of the parents to cooperate in the arrangement;

8 (10) whether a restriction on parenting time is
9 appropriate;

10 (11) the physical violence or threat of physical
11 violence by the child's parent directed against the child
12 or other member of the child's household;

13 (12) the willingness and ability of each parent to
14 place the needs of the child ahead of his or her own needs;

15 (13) the willingness and ability of each parent to
16 facilitate and encourage a close and continuing
17 relationship between the other parent and the child;

18 (14) the occurrence of abuse against the child or
19 other member of the child's household;

20 (15) whether one of the parents is a convicted sex
21 offender or lives with a convicted sex offender and, if
22 so, the exact nature of the offense and what if any
23 treatment the offender has successfully participated in;
24 the parties are entitled to a hearing on the issues raised
25 in this paragraph (15);

26 (16) the terms of a parent's military family-care plan

1 that a parent must complete before deployment if a parent
2 is a member of the United States Armed Forces who is being
3 deployed; and

4 (17) any other factor that the court expressly finds
5 to be relevant.

6 (c) In allocating parenting time, the court shall not
7 consider conduct of a parent that does not affect that
8 parent's relationship to the child.

9 (d) (Blank). ~~Upon motion, the court may allow a parent who
10 is deployed or who has orders to be deployed as a member of the
11 United States Armed Forces to designate a person known to the
12 child to exercise reasonable substitute visitation on behalf
13 of the deployed parent, if the court determines that
14 substitute visitation is in the best interests of the child.
15 In determining whether substitute visitation is in the best
16 interests of the child, the court shall consider all of the
17 relevant factors listed in subsection (b) of this Section and
18 apply those factors to the person designated as a substitute
19 for the deployed parent for visitation purposes. Visitation
20 orders entered under this subsection are subject to
21 subsections (e) and (f) of Section 602.9 and subsections (e)
22 and (d) of Section 603.10.~~

23 (e) If the street address of a parent is not identified
24 pursuant to Section 708 of this Act, the court shall require
25 the parties to identify reasonable alternative arrangements
26 for parenting time by the other parent including, but not

1 limited to, parenting time of the minor child at the residence
2 of another person or at a local public or private facility.

3 (Source: P.A. 99-90, eff. 1-1-16.)

4 (750 ILCS 5/602.9)

5 Sec. 602.9. Visitation by certain non-parents.

6 (a) As used in this Section:

7 (1) "electronic communication" means time that a
8 grandparent, great-grandparent, sibling, or step-parent
9 spends with a child during which the child is not in the
10 person's actual physical custody, but which is facilitated
11 by the use of communication tools such as the telephone,
12 electronic mail, instant messaging, video conferencing or
13 other wired or wireless technologies via the Internet, or
14 another medium of communication;

15 (2) "sibling" means a brother or sister either of the
16 whole blood or the half blood, stepbrother, or stepsister
17 of the minor child;

18 (3) "step-parent" means a person married to a child's
19 parent, including a person married to the child's parent
20 immediately prior to the parent's death; and

21 (4) "visitation" means in-person time spent between a
22 child and the child's grandparent, great-grandparent,
23 sibling, step-parent, or any person designated under Part
24 VI-A ~~subsection (d) of Section 602.7~~. In appropriate
25 circumstances, visitation may include electronic

1 communication under conditions and at times determined by
2 the court.

3 (b) General provisions.

4 (1) An appropriate person, as identified in subsection
5 (c) of this Section, may bring an action in circuit court
6 by petition, or by filing a petition in a pending
7 dissolution proceeding or any other proceeding that
8 involves parental responsibilities or visitation issues
9 regarding the child, requesting visitation with the child
10 pursuant to this Section. If there is not a pending
11 proceeding involving parental responsibilities or
12 visitation with the child, the petition for visitation
13 with the child must be filed in the county in which the
14 child resides. Notice of the petition shall be given as
15 provided in subsection (c) of Section 601.2 of this Act.

16 (2) This Section does not apply to a child:

17 (A) in whose interests a petition is pending under
18 Section 2-13 of the Juvenile Court Act of 1987; or

19 (B) in whose interests a petition to adopt by an
20 unrelated person is pending under the Adoption Act; or

21 (C) who has been voluntarily surrendered by the
22 parent or parents, except for a surrender to the
23 Department of Children and Family Services or a foster
24 care facility; or

25 (D) who has been previously adopted by an
26 individual or individuals who are not related to the

1 biological parents of the child or who is the subject
2 of a pending adoption petition by an individual or
3 individuals who are not related to the biological
4 parents of the child; or

5 (E) who has been relinquished pursuant to the
6 Abandoned Newborn Infant Protection Act.

7 (3) A petition for visitation may be filed under this
8 Section only if there has been an unreasonable denial of
9 visitation by a parent and the denial has caused the child
10 undue mental, physical, or emotional harm.

11 (4) There is a rebuttable presumption that a fit
12 parent's actions and decisions regarding grandparent,
13 great-grandparent, sibling, or step-parent visitation are
14 not harmful to the child's mental, physical, or emotional
15 health. The burden is on the party filing a petition under
16 this Section to prove that the parent's actions and
17 decisions regarding visitation will cause undue harm to
18 the child's mental, physical, or emotional health.

19 (5) In determining whether to grant visitation, the
20 court shall consider the following:

21 (A) the wishes of the child, taking into account
22 the child's maturity and ability to express reasoned
23 and independent preferences as to visitation;

24 (B) the mental and physical health of the child;

25 (C) the mental and physical health of the
26 grandparent, great-grandparent, sibling, or

1 step-parent;

2 (D) the length and quality of the prior
3 relationship between the child and the grandparent,
4 great-grandparent, sibling, or step-parent;

5 (E) the good faith of the party in filing the
6 petition;

7 (F) the good faith of the person denying
8 visitation;

9 (G) the quantity of the visitation time requested
10 and the potential adverse impact that visitation would
11 have on the child's customary activities;

12 (H) any other fact that establishes that the loss
13 of the relationship between the petitioner and the
14 child is likely to unduly harm the child's mental,
15 physical, or emotional health; and

16 (I) whether visitation can be structured in a way
17 to minimize the child's exposure to conflicts between
18 the adults.

19 (6) Any visitation rights granted under this Section
20 before the filing of a petition for adoption of the child
21 shall automatically terminate by operation of law upon the
22 entry of an order terminating parental rights or granting
23 the adoption of the child, whichever is earlier. If the
24 person or persons who adopted the child are related to the
25 child, as defined by Section 1 of the Adoption Act, any
26 person who was related to the child as grandparent,

1 great-grandparent, or sibling prior to the adoption shall
2 have standing to bring an action under this Section
3 requesting visitation with the child.

4 (7) The court may order visitation rights for the
5 grandparent, great-grandparent, sibling, or step-parent
6 that include reasonable access without requiring overnight
7 or possessory visitation.

8 (c) Visitation by grandparents, great-grandparents,
9 step-parents, and siblings.

10 (1) Grandparents, great-grandparents, step-parents,
11 and siblings of a minor child who is one year old or older
12 may bring a petition for visitation and electronic
13 communication under this Section if there is an
14 unreasonable denial of visitation by a parent that causes
15 undue mental, physical, or emotional harm to the child and
16 if at least one of the following conditions exists:

17 (A) the child's other parent is deceased or has
18 been missing for at least 90 days. For the purposes of
19 this subsection a parent is considered to be missing
20 if the parent's location has not been determined and
21 the parent has been reported as missing to a law
22 enforcement agency; or

23 (B) a parent of the child is incompetent as a
24 matter of law; or

25 (C) a parent has been incarcerated in jail or
26 prison for a period in excess of 90 days immediately

1 prior to the filing of the petition; or

2 (D) the child's parents have been granted a
3 dissolution of marriage or have been legally separated
4 from each other or there is pending a dissolution
5 proceeding involving a parent of the child or another
6 court proceeding involving parental responsibilities
7 or visitation of the child (other than an adoption
8 proceeding of an unrelated child, a proceeding under
9 Article II of the Juvenile Court Act of 1987, or an
10 action for an order of protection under the Illinois
11 Domestic Violence Act of 1986 or Article 112A of the
12 Code of Criminal Procedure of 1963) and at least one
13 parent does not object to the grandparent,
14 great-grandparent, step-parent, or sibling having
15 visitation with the child. The visitation of the
16 grandparent, great-grandparent, step-parent, or
17 sibling must not diminish the parenting time of the
18 parent who is not related to the grandparent,
19 great-grandparent, step-parent, or sibling seeking
20 visitation; or

21 (E) (i) the child is born to parents who are not
22 married to each other; (ii) the parents are not living
23 together; (iii) the petitioner is a grandparent,
24 great-grandparent, step-parent, or sibling of the
25 child; and (iv) the parent-child relationship has been
26 legally established. For purposes of this subdivision

1 (E), if the petitioner is a grandparent or
2 great-grandparent, the parent-child relationship need
3 be legally established only with respect to the parent
4 who is related to the grandparent or
5 great-grandparent. For purposes of this subdivision
6 (E), if the petitioner is a step-parent, the
7 parent-child relationship need be legally established
8 only with respect to the parent who is married to the
9 petitioner or was married to the petitioner
10 immediately before the parent's death.

11 (2) In addition to the factors set forth in
12 subdivision (b)(5) of this Section, the court should
13 consider:

14 (A) whether the child resided with the petitioner
15 for at least 6 consecutive months with or without a
16 parent present;

17 (B) whether the child had frequent and regular
18 contact or visitation with the petitioner for at least
19 12 consecutive months; and

20 (C) whether the grandparent, great-grandparent,
21 sibling, or step-parent was a primary caretaker of the
22 child for a period of not less than 6 consecutive
23 months within the 24-month period immediately
24 preceding the commencement of the proceeding.

25 (3) An order granting visitation privileges under this
26 Section is subject to subsections (c) and (d) of Section

1 603.10.

2 (4) A petition for visitation privileges may not be
3 filed pursuant to this subsection (c) by the parents or
4 grandparents of a parent of the child if parentage between
5 the child and the related parent has not been legally
6 established.

7 (d) Modification of visitation orders.

8 (1) Unless by stipulation of the parties, no motion to
9 modify a grandparent, great-grandparent, sibling, or
10 step-parent visitation order may be made earlier than 2
11 years after the date the order was filed, unless the court
12 permits it to be made on the basis of affidavits that there
13 is reason to believe the child's present environment may
14 endanger seriously the child's mental, physical, or
15 emotional health.

16 (2) The court shall not modify an order that grants
17 visitation to a grandparent, great-grandparent, sibling,
18 or step-parent unless it finds by clear and convincing
19 evidence, upon the basis of facts that have arisen since
20 the prior visitation order or that were unknown to the
21 court at the time of entry of the prior visitation order,
22 that a change has occurred in the circumstances of the
23 child or his or her parent, and that the modification is
24 necessary to protect the mental, physical, or emotional
25 health of the child. The court shall state in its decision
26 specific findings of fact in support of its modification

1 or termination of the grandparent, great-grandparent,
2 sibling, or step-parent visitation. A child's parent may
3 always petition to modify visitation upon changed
4 circumstances when necessary to promote the child's best
5 interests.

6 (3) Notice of a motion requesting modification of a
7 visitation order shall be provided as set forth in
8 subsection (c) of Section 601.2 of this Act.

9 (4) Attorney's fees and costs shall be assessed
10 against a party seeking modification of the visitation
11 order if the court finds that the modification action is
12 vexatious and constitutes harassment.

13 (e) No child's grandparent, great-grandparent, sibling, or
14 step-parent, or any person to whom the court is considering
15 granting visitation privileges pursuant to Part VI-A
16 ~~subsection (d) of Section 602.7~~, who was convicted of any
17 offense involving an illegal sex act perpetrated upon a victim
18 less than 18 years of age including, but not limited to,
19 offenses for violations of Section 11-1.20, 11-1.30, 11-1.40,
20 11-1.50, 11-1.60, 11-1.70, or Article 12 of the Criminal Code
21 of 1961 or the Criminal Code of 2012, is entitled to visitation
22 while incarcerated or while on parole, probation, conditional
23 discharge, periodic imprisonment, or mandatory supervised
24 release for that offense, and upon discharge from
25 incarceration for a misdemeanor offense or upon discharge from
26 parole, probation, conditional discharge, periodic

1 imprisonment, or mandatory supervised release for a felony
2 offense. Visitation shall be denied until the person
3 successfully completes a treatment program approved by the
4 court. Upon completion of treatment, the court may deny
5 visitation based on the factors listed in subdivision (b)(5)
6 of this Section.

7 (f) No child's grandparent, great-grandparent, sibling, or
8 step-parent, or any person to whom the court is considering
9 granting visitation privileges pursuant to Part VI-A
10 ~~subsection (d) of Section 602.7~~, may be granted visitation if
11 he or she has been convicted of first degree murder of a
12 parent, grandparent, great-grandparent, or sibling of the
13 child who is the subject of the visitation request. Pursuant
14 to a motion to modify visitation, the court shall revoke
15 visitation rights previously granted to any person who would
16 otherwise be entitled to petition for visitation rights under
17 this Section or granted visitation under subsection (d) of
18 Section 602.7, if the person has been convicted of first
19 degree murder of a parent, grandparent, great-grandparent, or
20 sibling of the child who is the subject of the visitation
21 order. Until an order is entered pursuant to this subsection,
22 no person may visit, with the child present, a person who has
23 been convicted of first degree murder of the parent,
24 grandparent, great-grandparent, or sibling of the child
25 without the consent of the child's parent, other than a parent
26 convicted of first degree murder as set forth herein, or legal

1 guardian.

2 (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17;
3 100-706, eff. 1-1-19.)

4 (750 ILCS 5/Pt. VI-A heading new)

5 PART VI-A

6 DEPLOYED PARENTS ALLOCATION OF PARENTAL RESPONSIBILITIES

7 (750 ILCS 5/651 new)

8 Sec. 651. References. This Part may be referred to as the
9 Deployed Parents Allocation of Parental Responsibilities Act.

10 (750 ILCS 5/652 new)

11 Sec. 652. Definitions. In this Part:

12 "Caretaking functions" has the same meaning as given in
13 Part VI of this Act.

14 "Child" means an unemancipated person who has not attained
15 18 years of age or age 19 or younger who is still attending
16 high school; or who is the subject of a court order concerning
17 parental responsibilities.

18 "Close and substantial relationship" means a relationship
19 in which a significant bond exists between a child and a
20 non-parent.

21 "Court" means a tribunal, including an administrative
22 agency, authorized under the laws of this State to make,
23 enforce, or modify a decision regarding parental

1 responsibilities.

2 "Significant decision-making" has the same meaning as
3 given in Part VI of this Act.

4 "Deploying parent" means a service member who is deployed
5 or has been notified of impending deployment and is:

6 (1) a parent of a child under the laws of this State;

7 or

8 (2) an individual who has parental responsibility for
9 a child under the laws of this State.

10 "Deployment" means the movement or mobilization of a
11 service member for more than 90 days but less than 18 months
12 pursuant to uniformed service orders that:

13 (1) are designated as unaccompanied;

14 (2) do not authorize dependent travel; or

15 (3) otherwise do not permit the movement of family
16 members to the location to which the service member is
17 deployed.

18 "Family member" means a sibling, aunt, uncle, cousin,
19 step-parent, or grandparent of a child or an individual
20 recognized to be in a familial relationship with a child under
21 the laws of this State.

22 "Limited contact" means the authority of a non-parent to
23 visit a child for a limited time. "Limited contact" includes
24 the authority to take the child to a place other than residence
25 of the child.

26 "Non-parent" means an individual other than a deploying

1 parent or other parent.

2 "Other parent" means an individual who, in common with a
3 deploying parent, is:

4 (1) a parent of a child under the laws of this State;

5 or

6 (2) an individual who has parental responsibility for
7 a child under the laws of this State.

8 "Parental responsibilities" has the same meaning as given
9 in Part VI of this Act.

10 "Parenting time" has the same meaning as given in Part VI
11 of this Act.

12 "Record" means information that is inscribed on a tangible
13 medium or that is stored in an electronic or other medium and
14 is retrievable in perceivable form.

15 "Return from deployment" means the conclusion of the
16 service member's deployment as specified in uniformed service
17 orders.

18 "Service member" means a member of a uniformed service.

19 "Sign" means, with present intent to authenticate or adopt
20 a record:

21 (1) to execute or adopt a tangible symbol; or

22 (2) to attach to or logically associate with the
23 record an electronic symbol, sound, or process.

24 "Uniformed service" means:

25 (1) active and reserve components of the Army, Navy,
26 Air Force, Marine Corps, or Coast Guard of the United

1 States;

2 (2) the United States Merchant Marine;

3 (3) the commissioned corps of the United States Public
4 Health Service;

5 (4) the commissioned corps of the National Oceanic and
6 Atmospheric Administration of the United States; or

7 (5) the National Guard of this State or another state.

8 (750 ILCS 5/653 new)

9 Sec. 653. Remedies for noncompliance. In addition to other
10 remedies under laws of this State, if a court finds that a
11 party to a proceeding under this Part has acted in bad faith or
12 intentionally failed to comply with this Part or a court order
13 issued under this Part, the court may assess reasonable
14 attorney's fees and costs against the party and order other
15 appropriate relief.

16 (750 ILCS 5/654 new)

17 Sec. 654. Jurisdiction.

18 (a) A court may issue an order regarding the allocation of
19 parental responsibilities under this Part only if the court
20 has jurisdiction under the Uniform Child-Custody Jurisdiction
21 and Enforcement Act.

22 (b) If a court has issued a temporary order regarding the
23 allocation of parental responsibilities under Sections 663
24 through 672, the residence of the deploying parent is not

1 changed by reason of the deployment for the purposes of the
2 Uniform Child-Custody Jurisdiction and Enforcement Act during
3 the deployment.

4 (c) If a court has issued a permanent order regarding the
5 allocation of parental responsibilities before notice of
6 deployment and the parents modify that order temporarily by
7 agreement under Sections 658 through 662, the residence of the
8 deploying parent is not changed by reason of the deployment
9 for the purposes of the Uniform Child-Custody Jurisdiction and
10 Enforcement Act.

11 (d) If a court in another state has issued a temporary
12 order regarding the allocation of parental responsibilities as
13 a result of an impending or current deployment, the residence
14 of the deploying parent is not changed by reason of the
15 deployment for the purposes of the Uniform Child-Custody
16 Jurisdiction and Enforcement Act.

17 (e) This Section does not prevent a court from exercising
18 temporary emergency jurisdiction under the Uniform
19 Child-Custody Jurisdiction and Enforcement Act.

20 (750 ILCS 5/655 new)

21 Sec. 655. Notification required of deploying parent.

22 (a) Except as otherwise provided in subsection (d) and
23 subject to subsection (c), a deploying parent shall notify the
24 other parent in a record of a pending deployment not later than
25 7 days after receiving notice of deployment unless reasonably

1 prevented from doing so by the circumstances of service. If
2 the circumstances of service prevent giving notification
3 within the 7 days, the deploying parent shall give the
4 notification as soon as reasonably possible.

5 (b) Except as otherwise provided in subsection (d) and
6 subject to subsection (c), each parent shall provide in a
7 record the other parent with a plan for fulfilling the
8 parent's share of parental responsibilities during deployment.
9 Each parent shall provide the plan as soon as reasonably
10 possible after notification of deployment is given under
11 subsection (a).

12 (c) If a court order currently in effect prohibits the
13 disclosure of the address or contact information of the other
14 parent, notification of deployment under subsection (a) or
15 notification of a plan for the allocation of parental
16 responsibilities during deployment under subsection (b) may be
17 made only to the issuing court. If the address of the other
18 parent is available to the issuing court, the court shall
19 forward the notification to the other parent. The court shall
20 keep confidential the address or contact information of the
21 other parent.

22 (d) Notification in a record under subsection (a) or (b)
23 is not required if the parents are living in the same residence
24 and both parents have actual notice of the deployment or plan.

25 (e) In a proceeding regarding the allocation of parental
26 responsibilities, a court may consider the reasonableness of a

1 parent's efforts to comply with this Section.

2 (750 ILCS 5/656 new)

3 Sec. 656. Duty to notify of change of address.

4 (a) Except as otherwise provided in subsection (b), an
5 individual to whom parental responsibilities have been granted
6 during deployment under Sections 658 through 672 shall notify
7 the deploying parent and any other individual with parental
8 responsibilities of a child of any change of the individual's
9 mailing address or residence until the grant is terminated.
10 The individual shall provide notice to any court that has
11 issued an allocation of parental responsibilities or child
12 support order concerning the child which is in effect.

13 (b) If a court order currently in effect prohibits
14 disclosure of the address or contact information of an
15 individual to whom parental responsibilities have been
16 granted, a notification under subsection (a) may be made only
17 to the court that issued the order. The court shall keep
18 confidential the mailing address or residence of the
19 individual to whom parental responsibilities have been
20 granted.

21 (750 ILCS 5/657 new)

22 Sec. 657. General consideration in allocation of parental
23 responsibilities proceeding of parent's military service. In a
24 proceeding for the allocation of parental responsibilities of

1 a child of a service member, a court may not consider a
2 parent's past deployment or possible future deployment in
3 itself in determining the best interests of the child, but may
4 consider any significant impact on the best interests of the
5 child of the parent's past or possible future deployment.

6 (750 ILCS 5/658 new)

7 Sec. 658. Form of agreement.

8 (a) The parents of a child may enter into a temporary
9 agreement under this Part granting parental responsibilities
10 during deployment.

11 (b) An agreement under subsection (a) must be:

12 (1) in writing; and

13 (2) signed by both parents and any non-parent to whom
14 parental responsibilities are granted.

15 (c) Subject to subsection (d), an agreement under
16 subsection (a), if feasible, must:

17 (1) identify the destination, duration, and conditions
18 of the deployment that is the basis for the agreement;

19 (2) specify the allocation of caretaking functions
20 among the deploying parent, the other parent, and any
21 non-parent;

22 (3) specify any significant decision-making that
23 accompanies a grant of caretaking functions;

24 (4) specify any grant of limited contact to a
25 non-parent;

1 (5) if under the agreement the allocation of parental
2 responsibilities is shared by the other parent and a
3 non-parent, or by other non-parents, provide a process to
4 resolve any dispute that may arise;

5 (6) specify the frequency, duration, and means,
6 including electronic means, by which the deploying parent
7 will have contact with the child, any role to be played by
8 the other parent in facilitating the contact, and the
9 allocation of any costs of contact;

10 (7) specify the contact between the deploying parent
11 and the child during the time the deploying parent is on
12 leave or is otherwise available;

13 (8) acknowledge that any party's child support
14 obligation cannot be modified by the agreement, and that
15 changing the terms of the obligation during deployment
16 requires modification in the appropriate court;

17 (9) provide that the agreement will terminate
18 according to the procedures under Sections 673 through 676
19 after the deploying parent returns from deployment; and

20 (10) if the agreement must be filed under Section 662,
21 specify which parent is required to file the agreement.

22 (d) The omission of any of the information included in
23 subsection (c) does not invalidate an agreement under this
24 Section.

1 Sec. 659. Nature of authority created by agreement.

2 (a) An agreement under Sections 658 through 662 is
3 temporary and terminates under Sections 673 through 676 after
4 the deploying parent returns from deployment, unless the
5 agreement has been terminated before that time by court order
6 or modification under Section 660. The agreement does not
7 create an independent, continuing right to caretaking
8 functions, significant decision-making, or limited contact in
9 an individual to whom parental responsibilities are given.

10 (b) A non-parent who has caretaking functions, significant
11 decision-making, or limited contact by an agreement under
12 Sections 658 through 662 has standing to enforce the agreement
13 until it has been terminated by court order, modification
14 under Section 660, or under Sections 673 through 676.

15 (750 ILCS 5/660 new)

16 Sec. 660. Modification of agreement.

17 (a) By mutual consent, the parents of a child may modify an
18 agreement regarding the allocation of parental
19 responsibilities made under Sections 658 through 662.

20 (b) If an agreement is modified under subsection (a)
21 before deployment of a deploying parent, the modification must
22 be in writing and signed by both parents and any non-parent who
23 will exercise parental responsibilities under the modified
24 agreement.

25 (c) If an agreement is modified under subsection (a)

1 during deployment of a deploying parent, the modification must
2 be agreed to in a record by both parents and any non-parent who
3 will exercise parental responsibilities under the modified
4 agreement.

5 (750 ILCS 5/661 new)

6 Sec. 661. Power of attorney. A deploying parent, by power
7 of attorney, may delegate all or part of the parental
8 responsibilities to an adult non-parent for the period of
9 deployment if no other parent possesses parental
10 responsibilities under the laws of this State, or if a court
11 order currently in effect prohibits contact between the child
12 and the other parent. The deploying parent may revoke the
13 power of attorney by signing a revocation of the power.

14 (750 ILCS 5/662 new)

15 Sec. 662. Filing agreement or power of attorney with
16 court. An agreement or power of attorney under this Part must
17 be filed within a reasonable time with any court that has
18 entered an order of allocation of parental responsibilities or
19 child support that is in effect concerning the child who is the
20 subject of the agreement or power. The case number and heading
21 of the pending case concerning the allocation of parental
22 responsibilities or child support must be provided to the
23 court with the agreement or power.

1 (750 ILCS 5/663 new)

2 Sec. 663. Proceeding for temporary allocation of parental
3 responsibilities order.

4 (a) After a deploying parent receives notice of deployment
5 and until the deployment terminates, a court may issue a
6 temporary order granting parental responsibilities unless
7 prohibited by the federal Servicemembers Civil Relief Act, 50
8 U.S.C. Sections 521 and 522. A court may not issue a permanent
9 order granting parental responsibilities without the consent
10 of the deploying parent.

11 (b) At any time after a deploying parent receives notice
12 of deployment, either parent may file a motion regarding the
13 allocation of parental responsibilities of a child during
14 deployment. The motion must be filed in a pending proceeding
15 for the allocation of parental responsibilities in a court
16 with jurisdiction under Section 654 or, if there is no pending
17 proceeding in a court with jurisdiction under Section 654, in
18 a new action for granting parental responsibilities during
19 deployment.

20 (750 ILCS 5/664 new)

21 Sec. 664. Expedited hearing. If a motion to grant the
22 allocation of parental responsibilities is filed under
23 subsection (b) of Section 663 before a deploying parent
24 deploys, the court shall conduct an expedited hearing.

1 (750 ILCS 5/665 new)

2 Sec. 665. Testimony by electronic means. In a proceeding
3 under this Part, a party or witness who is not reasonably
4 available to appear personally may appear, provide testimony,
5 and present evidence by electronic means unless the court
6 finds good cause to require a personal appearance.

7 (750 ILCS 5/666 new)

8 Sec. 666. Effect of prior judicial order or agreement. In
9 a proceeding for a grant of parental responsibilities under
10 Sections 663 through 672, the following rules apply:

11 (1) A prior judicial order designating the allocation
12 of parental responsibilities in the event of deployment is
13 binding on the court unless the circumstances meet the
14 requirements of the laws of this State for modifying a
15 judicial order regarding the allocation of parental
16 responsibilities.

17 (2) The court shall enforce a prior written agreement
18 between the parties for designating parental
19 responsibilities in the event of deployment, including an
20 agreement executed under Sections 658 through 662, unless
21 the court finds that the agreement is contrary to the best
22 interests of the child.

23 (750 ILCS 5/667 new)

24 Sec. 667. Grant of caretaking functions or significant

1 decision-making to non-parent.

2 (a) On motion of a deploying parent and in accordance with
3 the laws of this State, if it is in the best interests of the
4 child, a court may grant caretaking functions to a non-parent
5 who is an adult family member of the child or an adult with
6 whom the child has a close and substantial relationship.

7 (b) Unless a grant of caretaking functions to a non-parent
8 under subsection (a) is agreed to by the other parent, the
9 grant is limited to an amount of time not greater than:

10 (1) the amount of time granted to the deploying parent
11 under a permanent allocation of parental responsibilities
12 order, but the court may add unusual travel time necessary
13 to transport the child; or

14 (2) in the absence of a permanent allocation of
15 parental responsibilities order that is currently in
16 effect, the amount of time that the deploying parent
17 habitually cared for the child before being notified of
18 deployment, but the court may add unusual travel time
19 necessary to transport the child.

20 (c) A court may grant part of a deploying parent's
21 significant decision-making, if the deploying parent is unable
22 to exercise those functions, to a non-parent who is an adult
23 family member of the child or an adult with whom the child has
24 a close and substantial relationship. If a court grants the
25 functions to a non-parent, the court shall specify the
26 significant decision-making granted, including decisions

1 regarding the child's education, religious training, health
2 care, extracurricular activities, and travel.

3 (750 ILCS 5/668 new)

4 Sec. 668. Grant of limited contact. On motion of a
5 deploying parent, and in accordance with the laws of this
6 State, unless the court finds that the contact would be
7 contrary to the best interests of the child, a court shall
8 grant limited contact to a non-parent who is a family member of
9 the child or an individual with whom the child has a close and
10 substantial relationship.

11 (750 ILCS 5/669 new)

12 Sec. 669. Nature of authority created by temporary
13 allocation of parental responsibilities order.

14 (a) A grant of authority under Sections 663 through 672 is
15 temporary and terminates under Sections 673 through 676 after
16 the return from deployment of the deploying parent, unless the
17 grant has been terminated before that time by court order. The
18 grant does not create an independent, continuing right to
19 caretaking functions, significant decision-making, or limited
20 contact in an individual to whom it is granted.

21 (b) A non-parent granted caretaking functions, significant
22 decision-making, or limited contact under Sections 663 through
23 672 has standing to enforce the grant until it is terminated by
24 court order or under Sections 673 through 676.

1 (750 ILCS 5/670 new)

2 Sec. 670. Content of temporary allocation of parental
3 responsibilities order.

4 (a) An order granting parental responsibilities under
5 Sections 663 through 672 must:

6 (1) designate the order as temporary; and

7 (2) identify to the extent feasible the destination,
8 duration, and conditions of the deployment.

9 (b) If applicable, an order for the allocation of parental
10 responsibilities under Sections 663 through 672 must:

11 (1) specify the allocation of caretaking functions,
12 significant decision-making, or limited contact among the
13 deploying parent, the other parent, and any non-parent;

14 (2) if the order divides caretaking functions and
15 significant decision-making between individuals, or grants
16 caretaking functions and significant decision-making to
17 one individual and limited contact to another, provide a
18 process to resolve any dispute that may arise;

19 (3) provide for liberal communication between the
20 deploying parent and the child during deployment,
21 including through electronic means, unless contrary to the
22 best interests of the child, and allocate any costs of
23 communications;

24 (4) provide for liberal contact between the deploying
25 parent and the child during the time the deploying parent

1 is on leave or otherwise available, unless contrary to the
2 best interests of the child;

3 (5) provide for reasonable contact between the
4 deploying parent and the child after return from
5 deployment until the temporary order is terminated, even
6 if the time of contact exceeds the time the deploying
7 parent spent with the child before entry of the temporary
8 order; and

9 (6) provide that the order terminates under Sections
10 673 through 676 after the deploying parent returns from
11 deployment.

12 (750 ILCS 5/671 new)

13 Sec. 671. Order for child support. If a court has issued an
14 order granting the allocation of parental responsibilities
15 under this Part, or an agreement granting the allocation of
16 parental responsibilities has been executed under Sections 658
17 through 662, the court may enter a temporary order for child
18 support consistent with Section 505 or the Uniform Interstate
19 Family Support Act if the court has jurisdiction under Section
20 505 or the Uniform Interstate Family Support Act.

21 (750 ILCS 5/672 new)

22 Sec. 672. Modifying or terminating grant of parental
23 responsibilities to non-parent.

24 (a) Except for an order under Section 666, except as

1 otherwise provided by subsection (b), and consistent with the
2 federal Servicemembers Civil Relief Act, 50 U.S.C. Sections
3 521 and 522, on motion of a deploying parent, other parent, or
4 any non-parent to whom caretaking functions, significant
5 decision-making, or limited contact has been granted, the
6 court may modify or terminate the grant if the modification or
7 termination is consistent with this Section and Sections 663
8 through 671 and it is in the best interests of the child. A
9 modification is temporary and terminates under Sections 673
10 through 676 after the deploying parent returns from
11 deployment, unless the grant has been terminated before that
12 time by court order.

13 (b) On motion of a deploying parent, the court shall
14 terminate a grant of limited contact.

15 (750 ILCS 5/673 new)

16 Sec. 673. Procedure for terminating temporary grant of
17 parental responsibilities established by agreement.

18 (a) At any time after return from deployment, a temporary
19 agreement granting parental responsibilities under Sections
20 658 through 662 may be terminated by an agreement to terminate
21 signed by the deploying parent and the other parent.

22 (b) A temporary agreement under Sections 658 through 662
23 granting parental responsibilities terminates:

24 (1) if an agreement to terminate under subsection (a)
25 specifies a date for termination, on that date; or

1 (2) if the agreement to terminate does not specify a
2 date, on the date the agreement to terminate is signed by
3 the deploying parent and the other parent.

4 (c) In the absence of an agreement under subsection (a) to
5 terminate, a temporary agreement granting parental
6 responsibilities terminates under Sections 658 through 662 60
7 days after the deploying parent gives notice to the other
8 parent that the deploying parent returned from deployment.

9 (d) If a temporary agreement granting parental
10 responsibilities was filed with a court under Section 662, an
11 agreement to terminate the temporary agreement must also be
12 filed with that court within a reasonable time after the
13 signing of the agreement. The case number and heading of the
14 case concerning the allocation of parental responsibilities or
15 child support must be provided to the court with the agreement
16 to terminate.

17 (750 ILCS 5/674 new)

18 Sec. 674. Consent procedure for terminating temporary
19 grant of parental responsibilities established by court order.
20 At any time after a deploying parent returns from deployment,
21 the deploying parent and the other parent may file with the
22 court an agreement to terminate a temporary order for the
23 allocation of parental responsibilities issued under Sections
24 663 through 672. After an agreement has been filed, the court
25 shall issue an order terminating the temporary order effective

1 on the date specified in the agreement. If a date is not
2 specified, the order is effective immediately.

3 (750 ILCS 5/675 new)

4 Sec. 675. Parenting time before termination of temporary
5 grant of parental responsibilities. After a deploying parent
6 returns from deployment until a temporary agreement or order
7 for the allocation of parental responsibilities established
8 under Sections 658 through 672 is terminated, the court shall
9 issue a temporary order granting the deploying parent
10 reasonable contact with the child unless it is contrary to the
11 best interests of the child, even if the time of contact
12 exceeds the time the deploying parent spent with the child
13 before deployment.

14 (750 ILCS 5/676 new)

15 Sec. 676. Termination by operation of law of temporary
16 grant of parental responsibilities established by court order.

17 (a) If an agreement between the parties to terminate a
18 temporary order for the allocation of parental
19 responsibilities under this Part has not been filed, the order
20 terminates 60 days after the deploying parent gives notice to
21 the other parent and any non-parent granted parental
22 responsibilities that the deploying parent has returned from
23 deployment.

24 (b) A proceeding seeking to prevent termination of a

1 temporary order for the allocation of parental
2 responsibilities is governed by the laws of this State.

3 (750 ILCS 5/677 new)

4 Sec. 677. Uniformity of application and construction. In
5 applying and construing this Part, consideration must be given
6 to the need to promote uniformity of the law with respect to
7 its subject matter among states that enact it.

8 (750 ILCS 5/678 new)

9 Sec. 678. Relation to the federal Electronic Signatures in
10 Global and National Commerce Act. This Part modifies, limits,
11 or supersedes the federal Electronic Signatures in Global and
12 National Commerce Act, 15 U.S.C. 7001 et seq., but does not
13 modify, limit, or supersede subsection (c) of Section 7001 of
14 the federal Electronic Signatures in Global and National
15 Commerce Act, 15 U.S.C. 7001(c), or authorize electronic
16 delivery of any of the notices described in subsection (b) of
17 Section 7003 of the federal Electronic Signatures in Global
18 and National Commerce Act, 15 U.S.C. 7003(b).

19 (750 ILCS 5/679 new)

20 Sec. 679. Saving clause. This Part does not affect the
21 validity of a temporary court order concerning the allocation
22 of parental responsibilities during deployment that was
23 entered before the effective date of this amendatory Act of

1 the 104th General Assembly.".