



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB3437

Introduced 2/18/2025, by Rep. Joyce Mason

#### SYNOPSIS AS INTRODUCED:

750 ILCS 5/506 from Ch. 40, par. 506  
750 ILCS 5/602.5  
750 ILCS 5/602.7  
750 ILCS 5/603.10  
750 ILCS 5/603.12 new  
750 ILCS 5/604.10  
750 ILCS 5/715 new  
750 ILCS 60/228 new

Amends the Illinois Marriage and Dissolution of Marriage Act. Requires a court, when appointing a guardian ad litem to represent a child, shall make efforts to appoint a guardian ad litem who has received evidence-based education and training relating to family violence. Includes additional factors for the court to consider when determining the allocation of parenting time. Provides criteria for the court to consider in restricting parental responsibilities that are necessary to protect a child's physical, mental, moral, or emotional well-being. Allows the Administrative Office of the Illinois Courts to develop and implement an ongoing education and training program for judges and relevant court personnel regarding child abuse. Makes other changes. Amends the Domestic Violence Act of 1986. Restricts a court from sealing a court file related to a domestic violence order of protection. Provides that the amendatory Act may be referred to as Kayden's Law.

LRB104 08898 JRC 18953 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 1. References to Act. This Act may be referred to  
5 as Kayden's Law.

6 Section 5. The Illinois Marriage and Dissolution of  
7 Marriage Act is amended by changing Sections 506, 602.5,  
8 602.7, 604.10 and 603.10 and by adding Sections 603.12 and 715  
9 as follows:

10 (750 ILCS 5/506) (from Ch. 40, par. 506)

11 Sec. 506. Representation of child.

12 (a) Duties. In any proceedings involving the support,  
13 custody, visitation, allocation of parental responsibilities,  
14 education, parentage, property interest, or general welfare of  
15 a minor or dependent child, the court may, on its own motion or  
16 that of any party, appoint an attorney to serve in one of the  
17 following capacities to address the issues the court  
18 delineates:

19 (1) Attorney. The attorney shall provide independent  
20 legal counsel for the child and shall owe the same duties  
21 of undivided loyalty, confidentiality, and competent  
22 representation as are due an adult client.

1           (2) Guardian ad litem. The guardian ad litem shall  
2 investigate the facts of the case and interview the child  
3 and the parties. Unless the court directs otherwise, the  
4 guardian ad litem shall submit to the court and the  
5 parties a written report, written recommendations, or a  
6 proposed parenting plan, in accordance with the child's  
7 best interests, not less than 30 days before a final  
8 hearing or trial. The guardian ad litem's written report  
9 or written recommendations shall be admitted into evidence  
10 without the need for foundation. The guardian ad litem  
11 shall be available for deposition before a final hearing  
12 or trial notwithstanding any other discovery cutoff. The  
13 guardian ad litem may be called as a witness for purposes  
14 of cross-examination regarding the guardian ad litem's  
15 report or recommendations. At the discretion of the court,  
16 the guardian ad litem:

17           (i) may be present for all proceedings, including  
18 in camera examinations of the child;

19           (ii) may issue subpoenas for records as part of  
20 the guardian ad litem's investigation; and

21           (iii) may file pleadings relating to procedural  
22 matters.

23           The court appointing a guardian ad litem under this  
24 Section must make reasonable efforts to appoint a guardian  
25 ad litem who has received evidence-based education and  
26 training on family violence, including child sexual abuse,

1 physical abuse, emotional abuse, cohesive control,  
2 implicit and explicit basis, trauma, long and short-term  
3 impacts of domestic violence and child abuse on children,  
4 and victim and perpetrator behaviors.

5 (3) Child representative. The child representative  
6 shall advocate what the child representative finds to be  
7 in the best interests of the child after reviewing the  
8 facts and circumstances of the case. The child  
9 representative shall meet with the child and the parties,  
10 investigate the facts of the case, and encourage  
11 settlement and the use of alternative forms of dispute  
12 resolution. The child representative shall have the same  
13 authority and obligation to participate in the litigation  
14 as does an attorney for a party and shall possess all the  
15 powers of investigation as does a guardian ad litem. The  
16 child representative shall consider, but not be bound by,  
17 the expressed wishes of the child. A child representative  
18 shall have received training in child advocacy or shall  
19 possess such experience as determined to be equivalent to  
20 such training by the chief judge of the circuit where the  
21 child representative has been appointed. The child  
22 representative shall not disclose confidential  
23 communications made by the child, except as required by  
24 law or by the Rules of Professional Conduct. The child  
25 representative shall not render an opinion,  
26 recommendation, or report to the court and shall not be

1 called as a witness, but shall offer evidence-based legal  
2 arguments. The child representative shall disclose the  
3 position as to what the child representative intends to  
4 advocate in a pre-trial memorandum that shall be served  
5 upon all counsel of record prior to the trial. The  
6 position disclosed in the pre-trial memorandum shall not  
7 be considered evidence. The court and the parties may  
8 consider the position of the child representative for  
9 purposes of a settlement conference.

10 (a-3) Additional appointments. During the proceedings the  
11 court may appoint an additional attorney to serve in the  
12 capacity described in subdivision (a)(1) or an additional  
13 attorney to serve in another of the capacities described in  
14 subdivision (a)(2) or (a)(3) on the court's own motion or that  
15 of a party only for good cause shown and when the reasons for  
16 the additional appointment are set forth in specific findings.

17 (a-5) Appointment considerations. In deciding whether to  
18 make an appointment of an attorney for the minor child, a  
19 guardian ad litem, or a child representative, the court shall  
20 consider the nature and adequacy of the evidence to be  
21 presented by the parties and the availability of other methods  
22 of obtaining information, including social service  
23 organizations and evaluations by mental health professions, as  
24 well as resources for payment.

25 In no event is this Section intended to or designed to  
26 abrogate the decision making power of the trier of fact. Any

1 appointment made under this Section is not intended to nor  
2 should it serve to place any appointed individual in the role  
3 of a surrogate judge.

4 (b) Fees and costs. The court shall enter an order as  
5 appropriate for costs, fees, and disbursements, including a  
6 retainer, when the attorney, guardian ad litem, or child's  
7 representative is appointed. Any person appointed under this  
8 Section shall file with the court within 90 days of his or her  
9 appointment, and every subsequent 90-day period thereafter  
10 during the course of his or her representation, a detailed  
11 invoice for services rendered with a copy being sent to each  
12 party. The court shall review the invoice submitted and  
13 approve the fees, if they are reasonable and necessary. Any  
14 order approving the fees shall require payment by either or  
15 both parents, by any other party or source, or from the marital  
16 estate or the child's separate estate. The court may not order  
17 payment by the Department of Healthcare and Family Services in  
18 cases in which the Department is providing child support  
19 enforcement services under Article X of the Illinois Public  
20 Aid Code. Unless otherwise ordered by the court at the time  
21 fees and costs are approved, all fees and costs payable to an  
22 attorney, guardian ad litem, or child representative under  
23 this Section are by implication deemed to be in the nature of  
24 support of the child and are within the exceptions to  
25 discharge in bankruptcy under 11 U.S.C.A. 523. The provisions  
26 of Sections 501 and 508 of this Act shall apply to fees and

1 costs for attorneys appointed under this Section.

2 (Source: P.A. 103-126, eff. 1-1-24.)

3 (750 ILCS 5/602.5)

4 Sec. 602.5. Allocation of parental responsibilities:  
5 decision-making.

6 (a) Generally. The court shall allocate decision-making  
7 responsibilities according to the child's best interests.  
8 Nothing in this Act requires that each parent be allocated  
9 decision-making responsibilities. If the court finds that  
10 there has been abuse by one parent against the child or a  
11 repeated pattern of coercive abuse by one parent against the  
12 other parent, the parent who has engaged in the abuse may not  
13 be allocated any decision-making unless the court makes a  
14 finding that the parent has provided adequate evidence that  
15 the parent will not use the allocation of decision making as a  
16 basis to further abuse the child or the other parent and will  
17 use the decision-making solely in the best interests of the  
18 child.

19 (b) Allocation of significant decision-making  
20 responsibilities. Unless the parents otherwise agree in  
21 writing on an allocation of significant decision-making  
22 responsibilities, or the issue of the allocation of parental  
23 responsibilities has been reserved under Section 401, the  
24 court shall make the determination. The court shall allocate  
25 to one or both of the parents the significant decision-making

1 responsibility for each significant issue affecting the child.  
2 Those significant issues shall include, without limitation,  
3 the following:

4 (1) Education, including the choice of schools and  
5 tutors.

6 (2) Health, including all decisions relating to the  
7 medical, dental, and psychological needs of the child and  
8 to the treatments arising or resulting from those needs.

9 (3) Religion, subject to the following provisions:

10 (A) The court shall allocate decision-making  
11 responsibility for the child's religious upbringing in  
12 accordance with any express or implied agreement  
13 between the parents.

14 (B) The court shall consider evidence of the  
15 parents' past conduct as to the child's religious  
16 upbringing in allocating decision-making  
17 responsibilities consistent with demonstrated past  
18 conduct in the absence of an express or implied  
19 agreement between the parents.

20 (C) The court shall not allocate any aspect of the  
21 child's religious upbringing if it determines that the  
22 parents do not or did not have an express or implied  
23 agreement for such religious upbringing or that there  
24 is insufficient evidence to demonstrate a course of  
25 conduct regarding the child's religious upbringing  
26 that could serve as a basis for any such order.

1 (4) Extracurricular activities.

2 (c) Determination of child's best interests. In  
3 determining the child's best interests for purposes of  
4 allocating significant decision-making responsibilities, the  
5 court shall consider all relevant factors, including, without  
6 limitation, the following:

7 (1) the wishes of the child, taking into account the  
8 child's maturity and ability to express reasoned and  
9 independent preferences as to decision-making and if the  
10 court finds that a child who expresses fear of a parent is  
11 based on the parent's actual and specific conduct that is  
12 contrary to the child's best interests, the finding shall  
13 be considered;

14 (2) the child's adjustment to his or her home, school,  
15 and community;

16 (3) the mental and physical health of all individuals  
17 involved;

18 (4) the ability of the parents to cooperate to make  
19 decisions, or the level of conflict between the parties  
20 that may affect their ability to share decision-making  
21 especially when one parent has engaged in abuse of the  
22 child or a repeated pattern of coercive abuse of the other  
23 parent;

24 (5) the level of each parent's participation in past  
25 significant decision-making with respect to the child;

26 (6) any prior agreement or course of conduct between

1 the parents relating to decision-making with respect to  
2 the child;

3 (7) the wishes of the parents;

4 (8) the child's needs;

5 (8.1) which parent is more likely to ensure the health  
6 and safety of the child as defined in Section 603.12;

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

11 (10) whether a restriction on decision-making is  
12 appropriate under Section 603.10 or other protective  
13 measures as specified in Section 603.12;

14 (11) the willingness and ability of each parent to  
15 facilitate and encourage a close and continuing  
16 relationship between the other parent and the child except  
17 if one parent has engaged in abuse of the child or the  
18 other parent, if reasonable safety measures are necessary  
19 to protect the health and safety of the child as defined in  
20 Section 603.12 from harm and a parent's reasonable  
21 concerns for the health and safety of the child, the  
22 parent's reasonable efforts to protect the child may not  
23 be considered negatively under this subsection;

24 (12) the physical violence or threat of physical  
25 violence by the child's parent directed against the child;

26 (13) the occurrence of abuse against the child or

1 other member of the child's household;

2 (14) whether one of the parents is a sex offender, and  
3 if so, the exact nature of the offense and what, if any,  
4 treatment in which the parent has successfully  
5 participated; and

6 (15) any other factor that the court expressly finds  
7 to be relevant.

8 (d) A parent shall have sole responsibility for making  
9 routine decisions with respect to the child and for emergency  
10 decisions affecting the child's health and safety during that  
11 parent's parenting time.

12 (e) In allocating significant decision-making  
13 responsibilities, the court shall not consider conduct of a  
14 parent that does not affect that parent's relationship to the  
15 child.

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

17 (750 ILCS 5/602.7)

18 Sec. 602.7. Allocation of parental responsibilities:  
19 parenting time.

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

22 (b) Allocation of parenting time. Unless the parents  
23 present a mutually agreed written parenting plan and that plan  
24 is approved by the court, the court shall allocate parenting  
25 time. It is presumed both parents are fit and the court shall

1 not place any restrictions on parenting time as defined in  
2 Section 600 and described in Section 603.10, unless it finds  
3 by a preponderance of the evidence that a parent's exercise of  
4 parenting time would seriously endanger the child's physical,  
5 mental, moral, or emotional health.

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

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

11 (2) the wishes of the child, taking into account the  
12 child's maturity and ability to express reasoned and  
13 independent preferences as to parenting time. If the court  
14 finds that a child who expresses fear of a parent is based  
15 on the parent's actual and specific conduct that is  
16 contrary to the child's best interests, the finding shall  
17 be considered;

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

23 (4) any prior agreement or course of conduct between  
24 the parents relating to caretaking functions with respect  
25 to the child;

26 (5) the interaction and interrelationship of the child

1 with his or her parents and siblings and with any other  
2 person who may significantly affect the child's best  
3 interests;

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

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

8 (8) the child's needs;

9 (8.1) which parent is more likely to ensure the health  
10 and safety of the child, as defined in Section 603.12;

11 (9) the distance between the parents' residences, the  
12 cost and difficulty of transporting the child, each  
13 parent's and the child's daily schedules, and the ability  
14 of the parents to cooperate in the arrangement;

15 (10) whether a restriction on parenting time is  
16 appropriate;

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

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

22 (13) the willingness and ability of each parent to  
23 facilitate and encourage a close and continuing  
24 relationship between the other parent and the child except  
25 if one parent has engaged in abuse of the child or the  
26 other parent, if reasonable safety measures are necessary

1 to protect the health and safety of the child as defined in  
2 Section 603.12 from harm and a parent's reasonable  
3 concerns for the health and safety of the child, the  
4 parent's reasonable efforts to protect the child may not  
5 be considered negatively under this subsection;

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

8 (15) whether one of the parents is a convicted sex  
9 offender or lives with a convicted sex offender and, if  
10 so, the exact nature of the offense and what if any  
11 treatment the offender has successfully participated in;  
12 the parties are entitled to a hearing on the issues raised  
13 in this paragraph (15);

14 (16) the terms of a parent's military family-care plan  
15 that a parent must complete before deployment if a parent  
16 is a member of the United States Armed Forces who is being  
17 deployed; and

18 (17) any other factor that the court expressly finds  
19 to be relevant.

20 (b-1) A factor under subsection (b) may not be adversely  
21 weighed against a party if the circumstances related to the  
22 factor were in response to abuse or necessary to protect the  
23 child or the abused party from harm and the party alleging  
24 abuse does not pose a risk to the health and safety of the  
25 child, as defined in Section 603.12. A temporary housing  
26 instability as a result of abuse may not be considered against

1 the party alleging the abuse.

2 As used in this subsection, "temporary housing  
3 instability" means a period not to exceed 6 months from the  
4 date of the last incident of abuse as determined by the court.

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

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

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

1 of another person or at a local public or private facility.

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

3 (750 ILCS 5/603.10)

4 Sec. 603.10. Restriction of parental responsibilities.

5 (a) After a hearing, if the court finds by a preponderance  
6 of the evidence that a parent engaged in any conduct that  
7 seriously endangered the child's mental, moral, or physical  
8 health or that significantly impaired the child's emotional  
9 development, the court shall enter orders as necessary to  
10 protect the child. If a parent does any of the following that  
11 seriously endangers a child's health or significantly impairs  
12 the child's emotional development:

13 (1) inflicts physical injury upon the parent's child  
14 or another child, by other than accidental means, which  
15 causes death, disfigurement, impairment of physical or  
16 emotional health, or loss of impairment of any bodily  
17 function;

18 (2) creates a substantial risk of physical injury  
19 against the parent's child or another child, by other than  
20 accidental means, which would be likely to cause death,  
21 disfigurement, impairment of physical or emotional health,  
22 or loss of impairment of any bodily function;

23 (3) inflicts excessive corporal punishment upon the  
24 parent's child or another child;

25 (4) commits any sex offense against the parent's child

1           or another child; or

2           (5) commits an act of torture against the parent's  
3           child or another child.

4           If the court finds by a preponderance of the evidence that  
5           any of this conduct has likely occurred, the court shall order  
6           one or more of the restrictions on parenting time set forth in  
7           Section 603.10, including temporarily denying parenting time,  
8           restricting parenting time to supervised parenting time, and  
9           any other protective measures that are necessary to protect  
10          the child's physical, mental, moral, or emotional well-being.

11          Such orders may include, but are not limited to, orders  
12          for one or more of the following:

13                 (1) a reduction, elimination, or other adjustment of  
14                 the parent's decision-making responsibilities or parenting  
15                 time, or both decision-making responsibilities and  
16                 parenting time;

17                 (2) supervision, including ordering the Department of  
18                 Children and Family Services to exercise continuing  
19                 supervision under Section 5 of the Children and Family  
20                 Services Act;

21                 (2.1) supervision under Section 603.12;

22                 (3) requiring the exchange of the child between the  
23                 parents through an intermediary or in a protected setting;

24                 (4) restraining a parent's communication with or  
25                 proximity to the other parent or the child;

26                 (5) requiring a parent to abstain from possessing or

1 consuming alcohol or non-prescribed drugs while exercising  
2 parenting time with the child and within a specified  
3 period immediately preceding the exercise of parenting  
4 time;

5 (6) restricting the presence of specific persons while  
6 a parent is exercising parenting time with the child;

7 (7) requiring a parent to post a bond to secure the  
8 return of the child following the parent's exercise of  
9 parenting time or to secure other performance required by  
10 the court;

11 (8) requiring a parent to complete a treatment program  
12 for perpetrators of abuse, for drug or alcohol abuse, or  
13 for other behavior that is the basis for restricting  
14 parental responsibilities under this Section; and

15 (9) any other constraints or conditions that the court  
16 deems necessary to provide for the child's safety or  
17 welfare.

18 (b) The court may modify an order restricting parental  
19 responsibilities if, after a hearing, the court finds by a  
20 preponderance of the evidence that a modification is in the  
21 child's best interests based on (i) a change of circumstances  
22 that occurred after the entry of an order restricting parental  
23 responsibilities; or (ii) conduct of which the court was  
24 previously unaware that seriously endangers the child. In  
25 determining whether to modify an order under this subsection,  
26 the court must consider factors that include, but need not be

1 limited to, the following:

2 (1) abuse, neglect, or abandonment of the child;

3 (2) abusing or allowing abuse of another person that  
4 had an impact upon the child;

5 (3) use of drugs, alcohol, or any other substance in a  
6 way that interferes with the parent's ability to perform  
7 caretaking functions with respect to the child; and

8 (4) persistent continuing interference with the other  
9 parent's access to the child, except for actions taken  
10 with a reasonable, good-faith belief that they are  
11 necessary to protect the child's safety pending  
12 adjudication of the facts underlying that belief, provided  
13 that the interfering parent initiates a proceeding to  
14 determine those facts as soon as practicable.

15 (c) An order granting parenting time to a parent or  
16 visitation to another person may be revoked by the court if  
17 that parent or other person is found to have knowingly used his  
18 or her parenting time or visitation to facilitate contact  
19 between the child and a parent who has been barred from contact  
20 with the child or to have knowingly used his or her parenting  
21 time or visitation to facilitate contact with the child that  
22 violates any restrictions imposed on a parent's parenting time  
23 by a court of competent jurisdiction. Nothing in this  
24 subsection limits a court's authority to enforce its orders in  
25 any other manner authorized by law.

26 (d) If parenting time of a parent is restricted, an order

1 granting visitation to a non-parent with a child or an order  
2 granting parenting time to the other parent shall contain the  
3 following language:

4 "If a person granted parenting time or visitation  
5 under this order uses that time to facilitate contact  
6 between the child and a parent whose parenting time is  
7 restricted, or if such a person violates any restrictions  
8 placed on parenting time or visitation by the court, the  
9 parenting time or visitation granted under this order  
10 shall be revoked until further order of court."

11 (e) A parent who, after a hearing, is determined by the  
12 court to have been convicted of any offense involving an  
13 illegal sex act perpetrated upon a victim less than 18 years of  
14 age, including but not limited to an offense under Article 11  
15 of the Criminal Code of 2012, is not entitled to parenting time  
16 while incarcerated or while on parole, probation, conditional  
17 discharge, periodic imprisonment, or mandatory supervised  
18 release for a felony offense, until the parent complies with  
19 such terms and conditions as the court determines are in the  
20 child's best interests, taking into account the exact nature  
21 of the offense and what, if any, treatment in which the parent  
22 successfully participated.

23 (f) A parent may not, while the child is present, visit any  
24 person granted visitation or parenting time who has been  
25 convicted of first degree murder, unless the court finds,  
26 after considering all relevant factors, including those set

1     forth in subsection (b) of Section 602.7, that it would be in  
2     the child's best interests to allow the child to be present  
3     during such a visit.

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

5             (750 ILCS 5/603.12 new)

6             Sec. 603.12. Safety conditions.

7             (a) The General Assembly adopts the findings of the United  
8     States Congress in enacting Kayden's Law in Public Law 117-103  
9     as follows:

10            (1) Approximately 1 in 15 children is exposed to  
11            domestic violence each year.

12            (2) Most child abuse is perpetrated in the family and  
13            by a parent. Intimate partner violence and child abuse  
14            overlap in the same families at rates between 30% and 60%.  
15            A child's risk of abuse increases after a perpetrator of  
16            intimate partner violence separates from a domestic  
17            partner, even when the perpetrator has not previously  
18            directly abused the child. Children who have witnessed  
19            intimate partner violence are approximately 4 times more  
20            likely to experience direct child maltreatment than  
21            children who have not witnessed intimate partner violence.

22            (3) More than 75% of child sexual abuse is perpetrated  
23            by a family member or a person known to the child. Data of  
24            the Department of Justice shows that family members are  
25            49%, or almost half, of the perpetrators of crimes against

1 child sex assault victims younger than 6 years of age.

2 (4) Research suggests a child's exposure to a batterer  
3 is among the strongest indicators of risk of incest  
4 victimization. One study found that female children with  
5 fathers who are batterers of their mothers were 6.5 times  
6 more likely to experience father-daughter incest than  
7 female children who do not have abusive fathers.

8 (5) Child abuse is a major public health issue in the  
9 United States. Total lifetime financial costs associated  
10 with just one year of confirmed cases of child  
11 maltreatment, including child physical abuse, sexual  
12 abuse, psychological abuse, and neglect, result in  
13 \$124,000,000,000 in annual costs to the economy of the  
14 United States, or approximately 1% of the gross domestic  
15 product of the United States.

16 (6) Empirical research indicates that courts regularly  
17 discount allegations of child physical and sexual abuse  
18 when those allegations are raised in child custody cases.  
19 Courts believed less than 1/4 of claims that a father has  
20 committed child physical or sexual abuse. With respect to  
21 cases in which an allegedly abusive parent claimed the  
22 mother "alienated" the child, courts believed only 1 out  
23 of 51 claims of sexual molestation by a father.  
24 Independent research indicates that child sexual abuse  
25 allegations are credible between 50% and 70% of the time.

26 (7) Empirical research shows that alleged or known

1 abusive parents are often granted custody or unprotected  
2 parenting time by courts. Approximately 1/3 of parents  
3 alleged to have committed child abuse took primary custody  
4 from the protective parent reporting the abuse, placing  
5 children at ongoing risk.

6 (8) Researchers have documented nearly 800 child  
7 murders in the United States since 2008 committed by a  
8 divorcing or separating parent. More than 100 of these  
9 child murders are known to have occurred after a court  
10 ordered the child to have contact with the dangerous  
11 parent over the objection of a safe parent or caregiver.

12 (9) Scientifically unsound theories that treat abuse  
13 allegations of mothers as likely false attempts to  
14 undermine fathers are frequently applied in family court  
15 to minimize or deny reports of abuse of parents and  
16 children. Many experts who testify against abuse  
17 allegations lack expertise in the relevant type of alleged  
18 abuse, relying instead on unsound and unproven theories.

19 (10) Judges presiding over custody cases involving  
20 allegations of child abuse, child sexual abuse, and  
21 domestic violence are rarely required to receive training  
22 on these subjects, and most states have not established  
23 standards for such training.

24 (b) After considering the factors under subsection (b) of  
25 Section 602.7, if the court finds that there is a history of  
26 abuse of the child or a household member by a party or a

1 present risk of harm to the child or an abused party and awards  
2 any form of parenting time to a party who committed the abuse  
3 or who has a household member who committed the abuse, the  
4 court shall include in the parenting plan safety conditions,  
5 restrictions, or safeguards as reasonably necessary to protect  
6 the child or the abused party.

7 The court shall include in the parenting plan the reason  
8 for imposing the safety conditions, restrictions, or  
9 safeguards and an explanation as to why the safety conditions,  
10 restrictions, or safeguards are in the best interests of the  
11 child or the abused party. If supervised contact is ordered,  
12 there shall be a review of the risk of harm and need for  
13 continued supervision on at least an annual basis. The safety  
14 conditions, restrictions, or safeguards may include:

15 (1) nonprofessional supervised parenting time;

16 (2) professional supervised parenting time;

17 (3) limitations on the time of day that parenting time  
18 is permitted or the number of hours of parenting time and  
19 the maximum number of hours of parenting time permitted  
20 per day or per week;

21 (4) the appointment of a qualified professional  
22 specializing in programming relating to the history of  
23 abuse or risk of harm to provider intervention or harm  
24 prevention programming. The court may order an evaluation  
25 by the appointed qualified professional to determine  
26 whether additional programming is necessary;

1           (5) limitations on parenting time; or  
2           (6) any other safety conditions, restrictions, or  
3           safeguards to ensure the health and safety of the child or  
4           to protect a household member.

5           (c) If the court finds by a preponderance of the evidence  
6           that a party has abused the child or household member, there  
7           shall be a rebuttable presumption that the court shall only  
8           allow nonprofessional supervised parenting time or  
9           professional supervised parenting time between the child and  
10          the party who committed the abuse. A court may find that an  
11          indicated report for physical or sexual abuse is a basis for a  
12          finding of abuse under this subsection only after a de novo  
13          review of the circumstances leading to the indicated report.  
14          Notwithstanding this subsection, the court may award an  
15          alternative form of parenting time if the court finds by a  
16          preponderance of the evidence that:

17               (1) the party no longer poses a risk of abuse to the  
18               child or any other household member; and  
19               (2) another parenting time arrangement is in the best  
20               interests of the child and will not jeopardize the health  
21               and safety of the child.

22          (d) If the court finds by a preponderance of the evidence  
23          that there is an ongoing risk of abuse of the child, there  
24          shall be a rebuttable presumption that the court shall only  
25          allow professional supervised parenting time between the child  
26          and the party who poses the risk of abuse. A court may find

1 that an indicated report for physical or sexual abuse is a  
2 basis for a finding of abuse under this subsection only after a  
3 de novo review of the circumstances leading to the indicated  
4 report. Notwithstanding this subsection, the court may award  
5 an alternative form of parenting time if the court finds by a  
6 preponderance of the evidence that:

7 (1) the party no longer poses a risk of abuse to the  
8 child or any other household member; and

9 (2) another parenting time arrangement is in the best  
10 interests of the child and will not jeopardize the health  
11 and safety of the child.

12 (e) As used in this Section:

13 "Health and safety of the child" includes, but is not  
14 limited to, the physical, emotional, and psychological  
15 well-being of the child.

16 "Household member" means a spouse or individual who has  
17 been a spouse, individual living as a spouse or lived as a  
18 spouse, parent or child, individual related by consanguinity  
19 or affinity, current or former sexual or intimate partner, or  
20 individual who shares biological parenthood currently sharing  
21 a household with the child or a party.

22 "Intervention and harm prevention programming" includes,  
23 but is not limited to, programming designed to rehabilitate  
24 the offending individual, including prioritizing an  
25 intervention or harm prevent program, if available, or the  
26 impacts of physical, sexual, or domestic abuse on the victim.

1       "Nonprofessional supervised parenting time" means  
2 parenting time during which an adult, designated by the court  
3 or agreed upon by the parties, monitors the interaction  
4 between the child and the individual with parenting time  
5 rights.

6       "Professional supervised parenting time" means parenting  
7 time during which a professional with education and training  
8 on the dynamics of domestic violence, sexual assault, child  
9 abuse, and the impact of domestic violence on children  
10 oversees the interaction between the child and the individual  
11 with parenting time rights and promotes the health and safety  
12 of the child during the interaction.

13       (750 ILCS 5/604.10)

14       Sec. 604.10. Interviews; evaluations; investigation.

15       (a) Court's interview of child. The court may interview  
16 the child in chambers to ascertain the child's wishes as to the  
17 allocation of parental responsibilities. Counsel shall be  
18 present at the interview unless otherwise agreed upon by the  
19 parties. The entire interview shall be recorded by a court  
20 reporter. The transcript of the interview shall be filed under  
21 seal and released only upon order of the court.

22       (b) Court's professional. The court may seek the advice of  
23 any professional, whether or not regularly employed by the  
24 court, to assist the court in determining the child's best  
25 interests. The advice to the court shall be in writing and sent

1 by the professional to counsel for the parties and to the court  
2 not later than 60 days before the date on which the trial court  
3 reasonably anticipates the hearing on the allocation of  
4 parental responsibilities will commence. The court may review  
5 the writing upon receipt. The writing may be admitted into  
6 evidence without testimony from its author, unless a party  
7 objects. A professional consulted by the court shall testify  
8 as the court's witness and be subject to cross-examination.  
9 The court shall order all costs and fees of the professional to  
10 be paid by one or more of the parties, subject to reallocation  
11 in accordance with subsection (a) of Section 508.

12 The professional's report must, at a minimum, set forth  
13 the following:

14 (1) a description of the procedures employed during  
15 the evaluation;

16 (2) a report of the data collected;

17 (3) all test results;

18 (4) any conclusions of the professional relating to  
19 the allocation of parental responsibilities under Sections  
20 602.5 and 602.7;

21 (5) any recommendations of the professional concerning  
22 the allocation of parental responsibilities or the child's  
23 relocation; and

24 (6) an explanation of any limitations in the  
25 evaluation or any reservations of the professional  
26 regarding the resulting recommendations.

1 (c) Evaluation by a party's retained professional. In a  
2 proceeding to allocate parental responsibilities or to  
3 relocate a child, upon notice and motion made by a parent or  
4 any party to the litigation within a reasonable time before  
5 trial, the court shall order an evaluation to assist the court  
6 in determining the child's best interests unless the court  
7 finds that an evaluation under this Section is untimely or not  
8 in the best interests of the child. The evaluation may be in  
9 place of or in addition to any advice given to the court by a  
10 professional under subsection (b). A motion for an evaluation  
11 under this subsection must, at a minimum, identify the  
12 proposed evaluator and the evaluator's specialty or  
13 discipline. An order for an evaluation under this subsection  
14 must set forth the evaluator's name, address, and telephone  
15 number and the time, place, conditions, and scope of the  
16 evaluation. No person shall be required to travel an  
17 unreasonable distance for the evaluation. The party requesting  
18 the evaluation shall pay the evaluator's fees and costs unless  
19 otherwise ordered by the court.

20 The evaluator's report must, at a minimum, set forth the  
21 following:

22 (1) a description of the procedures employed during  
23 the evaluation;

24 (2) a report of the data collected;

25 (3) all test results;

26 (4) any conclusions of the evaluator relating to the

1 allocation of parental responsibilities under Sections  
2 602.5 and 602.7;

3 (5) any recommendations of the evaluator concerning  
4 the allocation of parental responsibilities or the child's  
5 relocation; and

6 (6) an explanation of any limitations in the  
7 evaluation or any reservations of the evaluator regarding  
8 the resulting recommendations.

9 A party who retains a professional to conduct an  
10 evaluation under this subsection shall cause the evaluator's  
11 written report to be sent to the attorneys of record no less  
12 than 60 days before the hearing on the allocation of parental  
13 responsibilities, unless otherwise ordered by the court; if a  
14 party fails to comply with this provision, the court may not  
15 admit the evaluator's report into evidence and may not allow  
16 the evaluator to testify.

17 The party calling an evaluator to testify at trial shall  
18 disclose the evaluator as a controlled expert witness in  
19 accordance with the Supreme Court Rules.

20 Any party to the litigation may call the evaluator as a  
21 witness. That party shall pay the evaluator's fees and costs  
22 for testifying, unless otherwise ordered by the court.

23 (d) Investigation. Upon notice and a motion by a parent or  
24 any party to the litigation, or upon the court's own motion,  
25 the court may order an investigation and report to assist the  
26 court in allocating parental responsibilities. The

1 investigation may be made by any agency, private entity, or  
2 individual deemed appropriate by the court. The agency,  
3 private entity, or individual appointed by the court must have  
4 expertise in the area of allocation of parental  
5 responsibilities. The court shall specify the purpose and  
6 scope of the investigation.

7 The investigator's report must, at a minimum, set forth  
8 the following:

9 (1) a description of the procedures employed during  
10 the investigation;

11 (2) a report of the data collected;

12 (3) all test results;

13 (4) any conclusions of the investigator relating to  
14 the allocation of parental responsibilities under Sections  
15 602.5 and 602.7;

16 (5) any recommendations of the investigator concerning  
17 the allocation of parental responsibilities or the child's  
18 relocation; and

19 (6) an explanation of any limitations in the  
20 investigation or any reservations of the investigator  
21 regarding the resulting recommendations.

22 The investigator shall send his or her report to all  
23 attorneys of record, and to any party not represented, at  
24 least 60 days before the hearing on the allocation of parental  
25 responsibilities. The court shall examine and consider the  
26 investigator's report only after it has been admitted into

1 evidence or after the parties have waived their right to  
2 cross-examine the investigator.

3 The investigator shall make available to all attorneys of  
4 record, and to any party not represented, the investigator's  
5 file, and the names and addresses of all persons whom the  
6 investigator has consulted, except that if such disclosure  
7 would risk abuse to the party or any member of the party's  
8 immediate family or household or reveal the confidential  
9 address of a shelter for domestic violence victims, that  
10 address may be omitted from the report. Any party to the  
11 proceeding may call the investigator, or any person consulted  
12 by the investigator as a court's witness, for  
13 cross-examination. No fees shall be paid for any investigation  
14 by a governmental agency. The fees incurred by any other  
15 investigator shall be allocated in accordance with Section  
16 508.

17 (e) Professional evaluations conducted under this Section  
18 must be made available for comprehensive research by family  
19 law scholars or experts as authorized by rules adopted by the  
20 Supreme Court of Illinois. Any such rules adopted by the Court  
21 must ensure the privacy and integrity of any person in these  
22 evaluations. The purpose of the rules is to develop research  
23 for the courts to have better information in making decisions  
24 concerning children in the Illinois Marriage and Dissolution  
25 of Marriage Act.

26 (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17.)

1 (750 ILCS 5/715 new)

2 Sec. 715. Judicial education and training.

3 (a) The Administrative Office of the Illinois Courts is  
4 encouraged and authorized to develop and implement an ongoing  
5 education and training program for judges and relevant court  
6 personnel, including guardians ad litem, counsel for children,  
7 and mediators, regarding family violence. The education and  
8 training program shall include the following:

9 (1) physical abuse;

10 (2) emotional abuse;

11 (3) cohesive control;

12 (4) implicit and explicit basis;

13 (5) trauma;

14 (6) long and short-term impacts of domestic violence;

15 and

16 (7) child abuse on children and victim and perpetrator  
17 behaviors.

18 (b) The education and training program shall include the  
19 most recent best practices from evidence-based, peer-reviewed  
20 research by recognized experts in the types of family violence  
21 specified in this Section. The Administrative Office of the  
22 Illinois Courts shall design the education and training  
23 program to educate and train relevant court personnel on all  
24 of the factors listed under Section 602.7 and improve the  
25 ability of courts to make appropriate parenting-time decisions

1 that are in the best interests of the child.

2 Section 15. The Illinois Domestic Violence Act of 1986 is  
3 amended by adding Section 228 as follows:

4 (750 ILCS 60/228 new)

5 Sec. 228. Sealing of court file prohibited. No court shall  
6 seal a court file related to an order of protection granted  
7 under this Act.