



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4499

Introduced 1/20/2026, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

New Act

Creates the Tortious Interference with Parent-Child Relationship Act. Contains findings and purposes concerning the parent-child relationship. Creates a civil cause of action for a parent or child if a third party's tortious conduct injures either the child or the parent or otherwise unreasonably harms, prevents, or terminates a parent-child relationship. Authorizes recovery of damages including loss of society, companionship, consortium, parent-child relationship, emotional distress, mental anguish, or economic loss. Provides that the Act applies to all conduct occurring on or after January 1, 1980. Effective immediately.

LRB104 17482 JRC 30908 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. Short title. This Act may be cited as the
5 Tortious Interference with Parent-Child Relationship Act.

6 Section 5. Legislative findings and purpose.

7 (a) The General Assembly finds that:

8 (1) Illinois recognizes the right of every child to
9 the physical, mental, emotional, and financial support of
10 the child's parents.

11 (2) The 14th Amendment of the United States
12 Constitution protects the parent-child relationship
13 through its Due Process Clause, which safeguards the
14 fundamental right of parents to direct the care, custody,
15 and upbringing of their children, and the reciprocal right
16 of children to the society, companionship, and support of
17 their parents.

18 (3) The parent-child relationship is among the most
19 fundamental liberty interests protected by the United
20 States Constitution, and interference with that
21 relationship, whether through injury to the child, injury
22 to the parent, or conduct that prevents the relationship
23 from forming, constitutes a deprivation of

1 constitutionally protected rights.

2 (4) Section 700 of the Restatement (Second) of Torts
3 has recognized since 1977 that a parent who is entitled to
4 custody of a minor child may maintain a tort action
5 against a person or entity whose tortious conduct
6 interferes with the parent-child relationship.

7 (5) However, in *Hulsh v. Hulsh*, 2025 IL 130931, the
8 Illinois Supreme Court declined to recognize a common law
9 tort cause of action or recoverable damages for
10 interference with the parent-child relationship in the
11 context of nonfatal injuries and deferred to the General
12 Assembly as to whether such a cause of action and remedy
13 ought to exist.

14 (6) Unlike many other jurisdictions, Illinois
15 currently does not permit a parent to recover damages for
16 loss of a child's society or companionship when the child
17 suffers nonfatal injuries caused by another's tortious
18 conduct, nor does Illinois permit a child to recover for
19 loss of a parent's society or companionship under similar
20 circumstances.

21 (7) This gap in Illinois law fails to adequately
22 protect the constitutionally recognized parent-child
23 relationship and leaves families without remedy when
24 tortious conduct diminishes or destroys that relationship.

25 (b) Therefore, it is the purpose of this Act to promote
26 fairness and justice and to protect the constitutionally

1 recognized rights of parents and children to their
2 relationship with one another by establishing a statutory
3 civil cause of action or remedy, where none has existed under
4 Illinois law, for tortious interference with the parent-child
5 relationship, including, but not limited to, circumstances in
6 which:

7 (1) a child suffers injury caused by the tortious
8 conduct of another resulting in loss or diminishment of
9 the parent-child relationship;

10 (2) a parent suffers injury caused by the tortious
11 conduct of another resulting in loss or diminishment of
12 the parent-child relationship;

13 (3) tortious conduct prevents the formation of a
14 parent-child relationship between persons legally entitled
15 to such a relationship; or

16 (4) tortious conduct that otherwise interferes with,
17 diminishes, or destroys the parent-child relationship.

18 Section 10. Liability for tortious interference with the
19 parent-child relationship.

20 (a) A person or entity is subject to liability under this
21 Act if that person's or entity's tortious conduct:

22 (1) causes physical, emotional, or psychological
23 injury to a child resulting in loss or diminishment of the
24 parent-child relationship;

25 (2) causes physical, emotional, or psychological

1 injury to a parent resulting in loss or diminishment of
2 the parent-child relationship;

3 (3) prevents the formation of a parent-child
4 relationship between persons legally entitled to such a
5 relationship; or

6 (4) otherwise interferes with, diminishes, or destroys
7 the parent-child relationship between a parent and child.

8 (b) A parent and child each have an independent right to
9 bring an action or to recover damages under this Act for
10 interference with their relationship with one another.

11 (c) This Section applies to nonfatal injuries.

12 (d) This Section applies to the parents of a minor child or
13 an adult child who is dependent on his or her parents for
14 support.

15 (e) This Section also applies to minor children and adults
16 who are dependent on their parents for support at the time of
17 the alleged injury or conduct.

18 Section 15. Cause of action and recoverable damages.

19 (a) A parent or child whose rights under this Act have been
20 violated has a nonwaivable right to bring a civil action
21 against the person or entity whose tortious conduct violated
22 those rights.

23 (b) A person entitled to bring an action under this Act may
24 recover actual damages, including, but not limited to:

25 (1) loss of society;

- 1 (2) loss of companionship;
- 2 (3) loss of consortium;
- 3 (4) loss of the parent-child relationship;
- 4 (5) emotional distress;
- 5 (6) mental anguish; or
- 6 (7) economic loss.

7 (c) If the defendant's conduct demonstrated reckless
8 disregard for the rights of the parent or child, a court may
9 award punitive damages in accordance with Illinois law.

10 Section 95. Severability. If any provision of this Act or
11 its application to any person or circumstance is held invalid,
12 the invalidity of that provision or application does not
13 affect other provisions or applications of this Act that can
14 be given effect without the invalid provision or application.

15 Section 97. Retroactive application. This Act applies to
16 all conduct occurring on or after January 1, 1980.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.