



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5176

Introduced 2/10/2026, by Rep. Anne Stava

SYNOPSIS AS INTRODUCED:

New Act

Creates the Family Law Definitions Act. Defines and requires the use of the terms "high conflict", "parental alienation", and "safe parent" in family law cases. Provides that no alternative similar terms may be used or invented if their use or interpretation has the purpose or effect of evading compliance with these definitions. Provides that failure by a court to apply these definitions, if applicable, is reversible legal error and is cause for an appeal.

LRB104 20262 JRC 33713 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 Family
5 Law Definitions Act.

6 Section 5. Findings and purpose. The General Assembly
7 finds that certain terms are used commonly in many family
8 court proceedings that do not have clear and consistent
9 meanings. These terms have significant implications for both
10 parents and children and should not be used casually.
11 Establishing consistent definitions for these terms will
12 enhance the ability of the family law system to reach outcomes
13 that best support the safety, health, and best interests of
14 all parties.

15 Section 10. Definitions. As used in this Act:

16 (a) A parent shall be designated as a "safe parent" if and
17 only if the parent:

18 (1) does not neglect or abuse the child;

19 (2) does not abuse the other parent;

20 (3) has not previously neglected or abused the child
21 or the other parent, absent a positive assessment, on the
22 record, by a qualified physician who has been the abuser's

1 primary behavioral health provider for at least one year,
2 based on specific and articulable facts, that all of the
3 following are true:

4 (A) the abuse was the result of a behavioral
5 health disorder or psychological or neurological
6 condition;

7 (B) the abuser has successfully completed
8 treatment or is satisfactorily complying with ongoing
9 or indefinite treatment, with at least a 12-month
10 unbroken history of such compliance; and

11 (C) the abuse is unlikely to continue or to recur;

12 (4) is judged by court-appointed officers, acting as
13 required by this Act, to be capable of safely interacting
14 with and caring for the child without supervision;

15 (5) is not the respondent to any order of protection,
16 presently in effect, which is sustained after a hearing;
17 and

18 (6) is not under the care of a mental health provider
19 for a serious behavioral, psychological, or emotional
20 condition that the court, in consultation with the
21 diagnosing provider, deems to pose a potential risk to the
22 child.

23 (b) An act or statement shall be deemed "parental
24 alienation" if and only if:

25 (1) all of the following criteria are met:

26 (i) it has the purpose or effect of seeking,

1 without good cause, to separate, estrange, or
2 emotionally distance the child from a safe parent;

3 (ii) it has the purpose or effect of influencing
4 the child in such a way that the child's opinion of a
5 safe parent is diminished or shaped in bad faith and is
6 defamatory or libelous, factually selective or
7 obfuscating, or age-inappropriate;

8 (iii) it is not reasonably related to and a
9 plausibly necessary part of good faith efforts by a
10 safe parent to preserve or achieve the safety and
11 mental and emotional health of the child;

12 (2) if the act or statement is directed at or concerns
13 a parent who is not a safe parent, that parent does not
14 demonstrate by clear and convincing evidence that the act
15 or statement was unnecessary and unrelated to the safety
16 or welfare of the child;

17 (3) if a statement, it was objectively false or
18 misleading or was made with reckless disregard for the
19 truth.

20 (c) A parent's behavior shall be deemed "high conflict" if
21 and only if all of the following criteria are met, based on
22 specific and articulable facts within the context:

23 (1) it is obstreperous, combative, petty, or
24 injudicious;

25 (2) it constitutes arbitrary opposition to the other
26 parent's time with or access to the child when such

1 conduct is not reasonably justified by facts or safety
2 concerns;

3 (3) it is not the behavior of a safe parent; and

4 (4) it is not a reaction arising from abuse trauma,
5 fear of or negative reaction to a current or former
6 abuser, distress, PTSD, depression, or anxiety.

7 If abuse or continued risk of abuse by the other parent of
8 the parent in question is indicated by a preponderance of the
9 evidence, the abuser has not rebutted, by clear and convincing
10 evidence, a default presumption that criteria (1) through (4)
11 of this subsection (c) are not met.

12 Section 15. Required terms.

13 (a) The definitions established in this Act must be used
14 and applied as applicable in all family law proceedings in
15 this State.

16 (b) No alternative similar terms may be used or invented
17 if their use or interpretation has the purpose or effect of
18 evading compliance with these definitions.

19 (c) Failure by a court to apply these definitions, if
20 applicable, constitutes reversible legal error and gives rise
21 to a cause for appeal.