



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5405

Introduced 2/13/2026, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

750 ILCS 5/602.12 new

Amends the Illinois Marriage and Dissolution of Marriage Act. Creates a process for one parent to file a petition to terminate the parental rights of the other parent in a proceeding for dissolution of marriage, legal separation, declaration of invalidity of marriage, or any proceeding in which parental responsibilities are allocated under the Act or in a proceeding under the Illinois Parentage Act of 2015. Provides that a court may terminate parental rights if the petitioning parent proves by clear and convincing evidence that the respondent parent has abandoned the child; or engaged in a prolonged failure, without good cause, to provide reasonable financial support for or to maintain meaningful contact or visitation with the child, although able to do so. Provides defenses if the court finds that the failure to support or maintain contact or visitation was due to interference or obstruction by the petitioning parent; a court-ordered limitation, restriction, or suspension of parenting time; or other good cause beyond the respondent parent's control. Provides that an order of termination does not extinguish any child support arrearages accrued before termination unless expressly ordered by the court.

LRB104 20205 JRC 33656 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Marriage and Dissolution of
5 Marriage Act is amended by adding Section 602.12 as follows:

6 (750 ILCS 5/602.12 new)

7 Sec. 602.12. Petition to terminate parental rights.

8 (a) In a proceeding for dissolution of marriage, legal
9 separation, declaration of invalidity of marriage, or any
10 proceeding in which parental responsibilities are allocated
11 under this Act or in a proceeding under the Illinois Parentage
12 Act of 2015, a parent may file a petition to terminate the
13 parental rights of the other parent.

14 (b) The court may terminate parental rights if the petitioning
15 parent proves by clear and convincing evidence that the
16 respondent parent has:

17 (1) abandoned the child; or

18 (2) engaged in a prolonged failure, without good
19 cause, to provide reasonable financial support for or to
20 maintain meaningful contact or visitation with the child,
21 although able to do so.

22 (c) The burden of proof is on the petitioning parent. The
23 grounds set forth in subsection (b) must be established by

1 clear and convincing evidence.

2 (d) Best interests of the child. A finding of grounds
3 under subsection (b) does not require termination. The court
4 shall also determine whether termination of parental rights is
5 in the best interests of the child. In making this
6 determination, the court shall consider the factors set forth
7 subsection (b) of Section 602.7 of this Act together with any
8 other relevant factors.

9 (e) The court may not order termination under this Section
10 if it finds that the failure to support or maintain contact or
11 visitation was due to:

12 (1) interference or obstruction by the petitioning
13 parent;

14 (2) a court-ordered limitation, restriction, or
15 suspension of parenting time; or

16 (3) other good cause beyond the respondent parent's
17 control.

18 (f) An order terminating parental rights under this
19 Section:

20 (1) severs all legal rights, privileges, duties, and
21 obligations of the terminated parent with respect to the
22 child; and

23 (2) does not extinguish any child support arrearages
24 accrued before termination, unless expressly ordered by
25 the court.