

**104TH GENERAL ASSEMBLY****State of Illinois****2025 and 2026****SB2850**

Introduced 1/13/2026, by Sen. Mike Porfirio

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Marriage and Dissolution of Marriage Act. Creates the Deployed Parents Allocation of Parental Responsibilities Part. Requires a deploying parent to notify the other parent of a pending deployment not later than 7 days after receiving notice of deployment unless reasonably prevented from doing so by the circumstances of service. Requires each parent to provide the other parent with a plan for fulfilling the parent's share of parental responsibilities during deployment. Requires an individual to whom parental responsibilities have been granted during deployment to notify the deploying parent and any other individual with parental responsibilities of a child of any change of the individual's mailing address or residence until the grant is terminated. Prohibits a court from considering a parent's past deployment or possible future deployment in itself in determining the best interests of the child in a proceeding for the allocation of parental responsibilities of a child of a service member. Allows the parents of a child to enter into a temporary agreement granting parental responsibilities during deployment of a deploying parent. Allows a court to issue a temporary order granting parental responsibilities after a deploying parent receives notice of deployment and until the deployment terminates. Allows a court to grant caretaking functions, significant decision-making, or limited contact to a non-parent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship on the motion of a deploying parent. Allows the court to enter a temporary order for child support if the court has issued a temporary order granting parental responsibilities under the Part. Sets forth the termination procedures of an agreement or temporary order under the Part. Makes other changes.

LRB104 17591 JRC 31019 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 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
17 Section 600 and described in Section 603.10, unless it finds
18 by a preponderance of the evidence that a parent's exercise of
19 parenting time would seriously endanger the child's physical,
20 mental, moral, or emotional health.

21 In determining the child's best interests for purposes of
22 allocating parenting time, the court shall consider all
23 relevant factors, including, without limitation, the

1 following:

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

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

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

11 (4) any prior agreement or course of conduct between
12 the parents relating to caretaking functions with respect
13 to the child;

14 (5) the interaction and interrelationship of the child
15 with his or her parents and siblings and with any other
16 person who may significantly affect the child's best
17 interests;

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

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

22 (8) the child's needs;

23 (9) the distance between the parents' residences, the
24 cost and difficulty of transporting the child, each
25 parent's and the child's daily schedules, and the ability
26 of the parents to cooperate in the arrangement;

1 (10) whether a restriction on parenting time is
2 appropriate;

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

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

8 (13) the willingness and ability of each parent to
9 facilitate and encourage a close and continuing
10 relationship between the other parent and the child;

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

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

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

23 (17) any other factor that the court expressly finds
24 to be relevant.

25 (c) In allocating parenting time, the court shall not
26 consider conduct of a parent that does not affect that

1 parent's relationship to the child.

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

16 (e) If the street address of a parent is not identified
17 pursuant to Section 708 of this Act, the court shall require
18 the parties to identify reasonable alternative arrangements
19 for parenting time by the other parent including, but not
20 limited to, parenting time of the minor child at the residence
21 of another person or at a local public or private facility.

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

23 (750 ILCS 5/602.9)

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

25 (a) As used in this Section:

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

9 (2) "sibling" means a brother or sister either of the
10 whole blood or the half blood, stepbrother, or stepsister
11 of the minor child;

12 (3) "step-parent" means a person married to a child's
13 parent, including a person married to the child's parent
14 immediately prior to the parent's death; and

15 (4) "visitation" means in-person time spent between a
16 child and the child's grandparent, great-grandparent,
17 sibling, step-parent, or any person designated under Part
18 VI-A ~~subsection (d) of Section 602.7~~. In appropriate
19 circumstances, visitation may include electronic
20 communication under conditions and at times determined by
21 the court.

22 (b) General provisions.

23 (1) An appropriate person, as identified in subsection
24 (c) of this Section, may bring an action in circuit court
25 by petition, or by filing a petition in a pending
26 dissolution proceeding or any other proceeding that

1 involves parental responsibilities or visitation issues
2 regarding the child, requesting visitation with the child
3 pursuant to this Section. If there is not a pending
4 proceeding involving parental responsibilities or
5 visitation with the child, the petition for visitation
6 with the child must be filed in the county in which the
7 child resides. Notice of the petition shall be given as
8 provided in subsection (c) of Section 601.2 of this Act.

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

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

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

14 (C) who has been voluntarily surrendered by the
15 parent or parents, except for a surrender to the
16 Department of Children and Family Services or a foster
17 care facility; or

18 (D) who has been previously adopted by an
19 individual or individuals who are not related to the
20 biological parents of the child or who is the subject
21 of a pending adoption petition by an individual or
22 individuals who are not related to the biological
23 parents of the child; or

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

26 (3) A petition for visitation may be filed under this

1 Section only if there has been an unreasonable denial of
2 visitation by a parent and the denial has caused the child
3 undue mental, physical, or emotional harm.

4 (4) There is a rebuttable presumption that a fit
5 parent's actions and decisions regarding grandparent,
6 great-grandparent, sibling, or step-parent visitation are
7 not harmful to the child's mental, physical, or emotional
8 health. The burden is on the party filing a petition under
9 this Section to prove that the parent's actions and
10 decisions regarding visitation will cause undue harm to
11 the child's mental, physical, or emotional health.

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

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

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

18 (C) the mental and physical health of the
19 grandparent, great-grandparent, sibling, or
20 step-parent;

21 (D) the length and quality of the prior
22 relationship between the child and the grandparent,
23 great-grandparent, sibling, or step-parent;

24 (E) the good faith of the party in filing the
25 petition;

26 (F) the good faith of the person denying

1 visitation;

2 (G) the quantity of the visitation time requested
3 and the potential adverse impact that visitation would
4 have on the child's customary activities;

5 (H) any other fact that establishes that the loss
6 of the relationship between the petitioner and the
7 child is likely to unduly harm the child's mental,
8 physical, or emotional health; and

9 (I) whether visitation can be structured in a way
10 to minimize the child's exposure to conflicts between
11 the adults.

12 (6) Any visitation rights granted under this Section
13 before the filing of a petition for adoption of the child
14 shall automatically terminate by operation of law upon the
15 entry of an order terminating parental rights or granting
16 the adoption of the child, whichever is earlier. If the
17 person or persons who adopted the child are related to the
18 child, as defined by Section 1 of the Adoption Act, any
19 person who was related to the child as grandparent,
20 great-grandparent, or sibling prior to the adoption shall
21 have standing to bring an action under this Section
22 requesting visitation with the child.

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

1 (c) Visitation by grandparents, great-grandparents,
2 step-parents, and siblings.

3 (1) Grandparents, great-grandparents, step-parents,
4 and siblings of a minor child who is one year old or older
5 may bring a petition for visitation and electronic
6 communication under this Section if there is an
7 unreasonable denial of visitation by a parent that causes
8 undue mental, physical, or emotional harm to the child and
9 if at least one of the following conditions exists:

10 (A) the child's other parent is deceased or has
11 been missing for at least 90 days. For the purposes of
12 this subsection a parent is considered to be missing
13 if the parent's location has not been determined and
14 the parent has been reported as missing to a law
15 enforcement agency; or

16 (B) a parent of the child is incompetent as a
17 matter of law; or

18 (C) a parent has been incarcerated in jail or
19 prison for a period in excess of 90 days immediately
20 prior to the filing of the petition; or

21 (D) the child's parents have been granted a
22 dissolution of marriage or have been legally separated
23 from each other or there is pending a dissolution
24 proceeding involving a parent of the child or another
25 court proceeding involving parental responsibilities
26 or visitation of the child (other than an adoption

1 proceeding of an unrelated child, a proceeding under
2 Article II of the Juvenile Court Act of 1987, or an
3 action for an order of protection under the Illinois
4 Domestic Violence Act of 1986 or Article 112A of the
5 Code of Criminal Procedure of 1963) and at least one
6 parent does not object to the grandparent,
7 great-grandparent, step-parent, or sibling having
8 visitation with the child. The visitation of the
9 grandparent, great-grandparent, step-parent, or
10 sibling must not diminish the parenting time of the
11 parent who is not related to the grandparent,
12 great-grandparent, step-parent, or sibling seeking
13 visitation; or

14 (E) (i) the child is born to parents who are not
15 married to each other; (ii) the parents are not living
16 together; (iii) the petitioner is a grandparent,
17 great-grandparent, step-parent, or sibling of the
18 child; and (iv) the parent-child relationship has been
19 legally established. For purposes of this subdivision
20 (E), if the petitioner is a grandparent or
21 great-grandparent, the parent-child relationship need
22 be legally established only with respect to the parent
23 who is related to the grandparent or
24 great-grandparent. For purposes of this subdivision
25 (E), if the petitioner is a step-parent, the
26 parent-child relationship need be legally established

1 only with respect to the parent who is married to the
2 petitioner or was married to the petitioner
3 immediately before the parent's death.

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

7 (A) whether the child resided with the petitioner
8 for at least 6 consecutive months with or without a
9 parent present;

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

13 (C) whether the grandparent, great-grandparent,
14 sibling, or step-parent was a primary caretaker of the
15 child for a period of not less than 6 consecutive
16 months within the 24-month period immediately
17 preceding the commencement of the proceeding.

18 (3) An order granting visitation privileges under this
19 Section is subject to subsections (c) and (d) of Section
20 603.10.

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

26 (d) Modification of visitation orders.

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

9 (2) The court shall not modify an order that grants
10 visitation to a grandparent, great-grandparent, sibling,
11 or step-parent unless it finds by clear and convincing
12 evidence, upon the basis of facts that have arisen since
13 the prior visitation order or that were unknown to the
14 court at the time of entry of the prior visitation order,
15 that a change has occurred in the circumstances of the
16 child or his or her parent, and that the modification is
17 necessary to protect the mental, physical, or emotional
18 health of the child. The court shall state in its decision
19 specific findings of fact in support of its modification
20 or termination of the grandparent, great-grandparent,
21 sibling, or step-parent visitation. A child's parent may
22 always petition to modify visitation upon changed
23 circumstances when necessary to promote the child's best
24 interests.

25 (3) Notice of a motion requesting modification of a
26 visitation order shall be provided as set forth in

1 subsection (c) of Section 601.2 of this Act.

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

6 (e) No child's grandparent, great-grandparent, sibling, or
7 step-parent, or any person to whom the court is considering
8 granting visitation privileges pursuant to Part VI-A
9 ~~subsection (d) of Section 602.7~~, who was convicted of any
10 offense involving an illegal sex act perpetrated upon a victim
11 less than 18 years of age including, but not limited to,
12 offenses for violations of Section 11-1.20, 11-1.30, 11-1.40,
13 11-1.50, 11-1.60, 11-1.70, or Article 12 of the Criminal Code
14 of 1961 or the Criminal Code of 2012, is entitled to visitation
15 while incarcerated or while on parole, probation, conditional
16 discharge, periodic imprisonment, or mandatory supervised
17 release for that offense, and upon discharge from
18 incarceration for a misdemeanor offense or upon discharge from
19 parole, probation, conditional discharge, periodic
20 imprisonment, or mandatory supervised release for a felony
21 offense. Visitation shall be denied until the person
22 successfully completes a treatment program approved by the
23 court. Upon completion of treatment, the court may deny
24 visitation based on the factors listed in subdivision (b) (5)
25 of this Section.

26 (f) No child's grandparent, great-grandparent, sibling, or

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

21 (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17;
22 100-706, eff. 1-1-19.)

23 (750 ILCS 5/Pt. VI-A heading new)

24 PART VI-A

25 DEPLOYED PARENTS ALLOCATION OF PARENTAL RESPONSIBILITIES

1 (750 ILCS 5/651 new)

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

4 (750 ILCS 5/652 new)

5 Sec. 652. Definitions. In this Part:

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

8 "Child" means an unemancipated person who has not attained
9 18 years of age or age 19 or younger who is still attending
10 high school; or who is the subject of a court order concerning
11 parental responsibilities.

12 "Close and substantial relationship" means a relationship
13 in which a significant bond exists between a child and a
14 non-parent.

15 "Court" means a tribunal, including an administrative
16 agency, authorized under the laws of this State to make,
17 enforce, or modify a decision regarding parental
18 responsibilities.

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

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

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

24 or

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

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

6 (1) are designated as unaccompanied;

7 (2) do not authorize dependent travel; or

8 (3) otherwise do not permit the movement of family
9 members to the location to which the service member is
10 deployed.

11 "Family member" means a sibling, aunt, uncle, cousin,
12 step-parents, or grandparent of a child or an individual
13 recognized to be in a familial relationship with a child under
14 the laws of this State.

15 "Limited contact" means the authority of a non-parent to
16 visit a child for a limited time. "Limited contact" includes
17 the authority to take the child to a place other than residence
18 of the child.

19 "non-parent" means an individual other than a deploying
20 parent or other parent.

21 "Other parent" means an individual who, in common with a
22 deploying parent, is:

23 (1) a parent of a child under the laws of this State;
24 or

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

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

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

5 "Record" means information that is inscribed on a tangible
6 medium or that is stored in an electronic or other medium and
7 is retrievable in perceivable form.

8 "Return from deployment" means the conclusion of the
9 service member's deployment as specified in uniformed service
10 orders.

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

12 "Sign" means, with present intent to authenticate or adopt
13 a record:

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

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

17 "Uniformed service" means:

18 (1) active and reserve components of the Army, Navy,
19 Air Force, Marine Corps, or Coast Guard of the United
20 States;

21 (2) the United States Merchant Marine;

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

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

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

1 (750 ILCS 5/653 new)

2 Sec. 653. Remedies for noncompliance. In addition to other
3 remedies under laws of this State, if a court finds that a
4 party to a proceeding under this Part has acted in bad faith or
5 intentionally failed to comply with this Part or a court order
6 issued under this Part, the court may assess reasonable
7 attorney's fees and costs against the party and order other
8 appropriate relief.

9 (750 ILCS 5/654 new)

10 Sec. 654. Jurisdiction.

11 (a) A court may issue an order regarding the allocation of
12 parental responsibilities under this Part only if the court
13 has jurisdiction under the Uniform Child-Custody Jurisdiction
14 and Enforcement Act.

15 (b) If a court has issued a temporary order regarding the
16 allocation of parental responsibilities under Sections 663
17 through 672, the residence of the deploying parent is not
18 changed by reason of the deployment for the purposes of the
19 Uniform Child-Custody Jurisdiction and Enforcement Act during
20 the deployment.

21 (c) If a court has issued a permanent order regarding the
22 allocation of parental responsibilities before notice of
23 deployment and the parents modify that order temporarily by
24 agreement under Sections 658 through 662, the residence of the

1 deploying parent is not changed by reason of the deployment
2 for the purposes of the Uniform Child-Custody Jurisdiction and
3 Enforcement Act.

4 (d) If a court in another state has issued a temporary
5 order regarding the allocation of parental responsibilities as
6 a result of an impending or current deployment, the residence
7 of the deploying parent is not changed by reason of the
8 deployment for the purposes of the Uniform Child-Custody
9 Jurisdiction and Enforcement Act.

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

13 (750 ILCS 5/655 new)

14 Sec. 655. Notification required of deploying parent.

15 (a) Except as otherwise provided in subsection (d) and
16 subject to subsection (c), a deploying parent shall notify the
17 other parent in a record of a pending deployment not later than
18 7 days after receiving notice of deployment unless reasonably
19 prevented from doing so by the circumstances of service. If
20 the circumstances of service prevent giving notification
21 within the 7 days, the deploying parent shall give the
22 notification as soon as reasonably possible.

23 (b) Except as otherwise provided in subsection (d) and
24 subject to subsection (c), each parent shall provide in a
25 record the other parent with a plan for fulfilling the

1 parent's share of parental responsibilities during deployment.
2 Each parent shall provide the plan as soon as reasonably
3 possible after notification of deployment is given under
4 subsection (a).

5 (c) If a court order currently in effect prohibits the
6 disclosure of the address or contact information of the other
7 parent, notification of deployment under subsection (a) or
8 notification of a plan for the allocation of parental
9 responsibilities during deployment under subsection (b) may be
10 made only to the issuing court. If the address of the other
11 parent is available to the issuing court, the court shall
12 forward the notification to the other parent. The court shall
13 keep confidential the address or contact information of the
14 other parent.

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

18 (e) In a proceeding regarding the allocation of parental
19 responsibilities, a court may consider the reasonableness of a
20 parent's efforts to comply with this Section.

21 (750 ILCS 5/656 new)

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

23 (a) Except as otherwise provided in subsection (b), an
24 individual to whom parental responsibilities have been granted
25 during deployment under Sections 658 through 672 shall notify

1 the deploying parent and any other individual with parental
2 responsibilities of a child of any change of the individual's
3 mailing address or residence until the grant is terminated.
4 The individual shall provide notice to any court that has
5 issued an allocation of parental responsibilities or child
6 support order concerning the child which is in effect.

7 (b) If a court order currently in effect prohibits
8 disclosure of the address or contact information of an
9 individual to whom parental responsibilities have been
10 granted, a notification under subsection (a) may be made only
11 to the court that issued the order. The court shall keep
12 confidential the mailing address or residence of the
13 individual to whom parental responsibilities have been
14 granted.

15 (750 ILCS 5/657 new)

16 Sec. 657. General consideration in allocation of parental
17 responsibilities proceeding of parent's military service. In a
18 proceeding for the allocation of parental responsibilities of
19 a child of a service member, a court may not consider a
20 parent's past deployment or possible future deployment in
21 itself in determining the best interests of the child, but may
22 consider any significant impact on the best interests of the
23 child of the parent's past or possible future deployment.

24 (750 ILCS 5/658 new)

1 Sec. 658. Form of agreement.

2 (a) The parents of a child may enter into a temporary
3 agreement under this Part granting parental responsibilities
4 during deployment.

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

6 (1) in writing; and

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

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

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

13 (2) specify the allocation of caretaking functions
14 among the deploying parent, the other parent, and any
15 non-parent;

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

18 (4) specify any grant of limited contact to a
19 non-parent;

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

24 (6) specify the frequency, duration, and means,
25 including electronic means, by which the deploying parent
26 will have contact with the child, any role to be played by

1 the other parent in facilitating the contact, and the
2 allocation of any costs of contact;

3 (7) specify the contact between the deploying parent
4 and the child during the time the deploying parent is on
5 leave or is otherwise available;

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

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

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

15 (d) The omission of any of the information included in
16 subsection (c) does not invalidate an agreement under this
17 Section.

18 (750 ILCS 5/659 new)

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

20 (a) An agreement under Sections 658 through 662 is
21 temporary and terminates under Sections 673 through 676 after
22 the deploying parent returns from deployment, unless the
23 agreement has been terminated before that time by court order
24 or modification under Section 660. The agreement does not
25 create an independent, continuing right to caretaking

1 functions, significant decision-making, or limited contact in
2 an individual to whom parental responsibilities are given.

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

8 (750 ILCS 5/660 new)

9 Sec. 660. Modification of agreement.

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

13 (b) If an agreement is modified under subsection (a)
14 before deployment of a deploying parent, the modification must
15 be in writing and signed by both parents and any non-parent who
16 will exercise parental responsibilities under the modified
17 agreement.

18 (c) If an agreement is modified under subsection (a)
19 during deployment of a deploying parent, the modification must
20 be agreed to in a record by both parents and any non-parent who
21 will exercise parental responsibilities under the modified
22 agreement.

23 (750 ILCS 5/661 new)

24 Sec. 661. Power of attorney. A deploying parent, by power

1 of attorney, may delegate all or part of the parental
2 responsibilities to an adult non-parent for the period of
3 deployment if no other parent possesses parental
4 responsibilities under the laws of this State, or if a court
5 order currently in effect prohibits contact between the child
6 and the other parent. The deploying parent may revoke the
7 power of attorney by signing a revocation of the power.

8 (750 ILCS 5/662 new)

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

18 (750 ILCS 5/663 new)

19 Sec. 663. Proceeding for temporary allocation of parental
20 responsibilities order.

21 (a) After a deploying parent receives notice of deployment
22 and until the deployment terminates, a court may issue a
23 temporary order granting parental responsibilities unless
24 prohibited by the federal Servicemembers Civil Relief Act, 50

1 U.S.C. Sections 521 and 522. A court may not issue a permanent
2 order granting parental responsibilities without the consent
3 of the deploying parent.

4 (b) At any time after a deploying parent receives notice
5 of deployment, either parent may file a motion regarding the
6 allocation of parental responsibilities of a child during
7 deployment. The motion must be filed in a pending proceeding
8 for the allocation of parental responsibilities in a court
9 with jurisdiction under Section 654 or, if there is no pending
10 proceeding in a court with jurisdiction under Section 654, in
11 a new action for granting parental responsibilities during
12 deployment.

13 (750 ILCS 5/664 new)

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

18 (750 ILCS 5/665 new)

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

1 (750 ILCS 5/666 new)

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

5 (1) A prior judicial order designating the allocation
6 of parental responsibilities in the event of deployment is
7 binding on the court unless the circumstances meet the
8 requirements of the laws of this State for modifying a
9 judicial order regarding the allocation of parental
10 responsibilities.

11 (2) The court shall enforce a prior written agreement
12 between the parties for designating parental
13 responsibilities in the event of deployment, including an
14 agreement executed under Sections 658 through 662, unless
15 the court finds that the agreement is contrary to the best
16 interests of the child.

17 (750 ILCS 5/667 new)

18 Sec. 667. Grant of caretaking functions or significant
19 decision-making to non-parent.

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

25 (b) Unless a grant of caretaking functions to a non-parent

1 under subsection (a) is agreed to by the other parent, the
2 grant is limited to an amount of time not greater than:

3 (1) the amount of time granted to the deploying parent
4 under a permanent allocation of parental responsibilities
5 order, but the court may add unusual travel time necessary
6 to transport the child; or

7 (2) in the absence of a permanent allocation of
8 parental responsibilities order that is currently in
9 effect, the amount of time that the deploying parent
10 habitually cared for the child before being notified of
11 deployment, but the court may add unusual travel time
12 necessary to transport the child.

13 (c) A court may grant part of a deploying parent's
14 significant decision-making, if the deploying parent is unable
15 to exercise those functions, to a non-parent who is an adult
16 family member of the child or an adult with whom the child has
17 a close and substantial relationship. If a court grants the
18 functions to a non-parent, the court shall specify the
19 significant decision-making granted, including decisions
20 regarding the child's education, religious training, health
21 care, extracurricular activities, and travel.

22 (750 ILCS 5/668 new)

23 Sec. 668. Grant of limited contact. On motion of a
24 deploying parent, and in accordance with the laws of this
25 State, unless the court finds that the contact would be

1 contrary to the best interests of the child, a court shall
2 grant limited contact to a non-parent who is a family member of
3 the child or an individual with whom the child has a close and
4 substantial relationship.

5 (750 ILCS 5/669 new)

6 Sec. 669. Nature of authority created by temporary
7 allocation of parental responsibilities order.

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

15 (b) A non-parent granted caretaking functions, significant
16 decision-making, or limited contact under Sections 663 through
17 672 has standing to enforce the grant until it is terminated by
18 court order or under Sections 673 through 676.

19 (750 ILCS 5/670 new)

20 Sec. 670. Content of temporary allocation of parental
21 responsibilities order.

22 (a) An order granting parental responsibilities under
23 Sections 663 through 672 must:

24 (1) designate the order as temporary; and

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

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

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

8 (2) if the order divides caretaking functions and
9 significant decision-making between individuals, or grants
10 caretaking functions and significant decision-making to
11 one individual and limited contact to another, provide a
12 process to resolve any dispute that may arise;

13 (3) provide for liberal communication between the
14 deploying parent and the child during deployment,
15 including through electronic means, unless contrary to the
16 best interests of the child, and allocate any costs of
17 communications;

18 (4) provide for liberal contact between the deploying
19 parent and the child during the time the deploying parent
20 is on leave or otherwise available, unless contrary to the
21 best interests of the child;

22 (5) provide for reasonable contact between the
23 deploying parent and the child after return from
24 deployment until the temporary order is terminated, even
25 if the time of contact exceeds the time the deploying
26 parent spent with the child before entry of the temporary

1 order; and

2 (6) provide that the order terminates under Sections
3 673 through 676 after the deploying parent returns from
4 deployment.

5 (750 ILCS 5/671 new)

6 Sec. 671. Order for child support. If a court has issued an
7 order granting the allocation of parental responsibilities
8 under this Part, or an agreement granting the allocation of
9 parental responsibilities has been executed under Sections 658
10 through 662, the court may enter a temporary order for child
11 support consistent with Section 505 or the Uniform Interstate
12 Family Support Act if the court has jurisdiction under Section
13 505 or the Uniform Interstate Family Support Act.

14 (750 ILCS 5/672 new)

15 Sec. 672. Modifying or terminating grant of parental
16 responsibilities to non-parent.

17 (a) Except for an order under Section 666, except as
18 otherwise provided by subsection (b), and consistent with the
19 federal Servicemembers Civil Relief Act, 50 U.S.C. Sections
20 521 and 522, on motion of a deploying parent, other parent, or
21 any non-parent to whom caretaking functions, significant
22 decision-making, or limited contact has been granted, the
23 court may modify or terminate the grant if the modification or
24 termination is consistent with this Section and Sections 663

1 through 671 and it is in the best interests of the child. A
2 modification is temporary and terminates under Sections 673
3 through 676 after the deploying parent returns from
4 deployment, unless the grant has been terminated before that
5 time by court order.

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

8 (750 ILCS 5/673 new)

9 Sec. 673. Procedure for terminating temporary grant of
10 parental responsibilities established by agreement.

11 (a) At any time after return from deployment, a temporary
12 agreement granting parental responsibilities under Sections
13 658 through 662 may be terminated by an agreement to terminate
14 signed by the deploying parent and the other parent.

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

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

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

22 (c) In the absence of an agreement under subsection (a) to
23 terminate, a temporary agreement granting parental
24 responsibilities terminates under Sections 658 through 662 60
25 days after the deploying parent gives notice to the other

1 parent that the deploying parent returned from deployment.

2 (d) If a temporary agreement granting parental
3 responsibilities was filed with a court under Section 662, an
4 agreement to terminate the temporary agreement must also be
5 filed with that court within a reasonable time after the
6 signing of the agreement. The case number and heading of the
7 case concerning the allocation of parental responsibilities or
8 child support must be provided to the court with the agreement
9 to terminate.

10 (750 ILCS 5/674 new)

11 Sec. 674. Consent procedure for terminating temporary
12 grant of parental responsibilities established by court order.
13 At any time after a deploying parent returns from deployment,
14 the deploying parent and the other parent may file with the
15 court an agreement to terminate a temporary order for the
16 allocation of parental responsibilities issued under Sections
17 663 through 672. After an agreement has been filed, the court
18 shall issue an order terminating the temporary order effective
19 on the date specified in the agreement. If a date is not
20 specified, the order is effective immediately.

21 (750 ILCS 5/675 new)

22 Sec. 675. Parenting time before termination of temporary
23 grant of parental responsibilities. After a deploying parent
24 returns from deployment until a temporary agreement or order

1 for the allocation of parental responsibilities established
2 under Sections 658 through 672 is terminated, the court shall
3 issue a temporary order granting the deploying parent
4 reasonable contact with the child unless it is contrary to the
5 best interests of the child, even if the time of contact
6 exceeds the time the deploying parent spent with the child
7 before deployment.

8 (750 ILCS 5/676 new)

9 Sec. 676. Termination by operation of law of temporary
10 grant of parental responsibilities established by court order.

11 (a) If an agreement between the parties to terminate a
12 temporary order for the allocation of parental
13 responsibilities under this Part has not been filed, the order
14 terminates 60 days after the deploying parent gives notice to
15 the other parent and any non-parent granted parental
16 responsibilities that the deploying parent has returned from
17 deployment.

18 (b) A proceeding seeking to prevent termination of a
19 temporary order for the allocation of parental
20 responsibilities is governed by the laws of this State.

21 (750 ILCS 5/677 new)

22 Sec. 677. Uniformity of application and construction. In
23 applying and construing this Part, consideration must be given
24 to the need to promote uniformity of the law with respect to

1 its subject matter among states that enact it.

2 (750 ILCS 5/678 new)

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

13 (750 ILCS 5/679 new)

14 Sec. 679. Saving clause. This Part does not affect the
15 validity of a temporary court order concerning the allocation
16 of parental responsibilities during deployment that was
17 entered before the effective date of this amendatory Act of
18 the 104th General Assembly.

1 INDEX

2 Statutes amended in order of appearance

- 3 750 ILCS 5/602.7
- 4 750 ILCS 5/602.9
- 5 750 ILCS 5/Pt. VI-A
- 6 heading new
- 7 750 ILCS 5/651 new
- 8 750 ILCS 5/652 new
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