



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2186

by Rep. Natalie A. Manley

SYNOPSIS AS INTRODUCED:

750 ILCS 5/600
750 ILCS 5/609.2

Amends the Illinois Marriage and Dissolution of Marriage Act. Changes the definition of "relocation" to mean: a change of residence from the child's current primary residence to a new residence within this State (rather than located in a specific county within in this State) that is more than 50 miles (rather than 25 miles) from the child's current residence; or a change of residence from the child's current primary residence to a residence outside the borders of this State that is more than 50 miles (rather than 25 miles) from the current primary residence. Makes conforming changes.

LRB101 06625 LNS 51652 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 600 and 609.2 as
6 follows:

7 (750 ILCS 5/600)

8 Sec. 600. Definitions. For purposes of this Part VI:

9 (a) "Abuse" has the meaning ascribed to that term in
10 Section 103 of the Illinois Domestic Violence Act of 1986.

11 (b) "Allocation judgment" means a judgment allocating
12 parental responsibilities.

13 (c) "Caretaking functions" means tasks that involve
14 interaction with a child or that direct, arrange, and supervise
15 the interaction with and care of a child provided by others, or
16 for obtaining the resources allowing for the provision of these
17 functions. The term includes, but is not limited to, the
18 following:

19 (1) satisfying a child's nutritional needs; managing a
20 child's bedtime and wake-up routines; caring for a child
21 when the child is sick or injured; being attentive to a
22 child's personal hygiene needs, including washing,
23 grooming, and dressing; playing with a child and ensuring

1 the child attends scheduled extracurricular activities;
2 protecting a child's physical safety; and providing
3 transportation for a child;

4 (2) directing a child's various developmental needs,
5 including the acquisition of motor and language skills,
6 toilet training, self-confidence, and maturation;

7 (3) providing discipline, giving instruction in
8 manners, assigning and supervising chores, and performing
9 other tasks that attend to a child's needs for behavioral
10 control and self-restraint;

11 (4) ensuring the child attends school, including
12 remedial and special services appropriate to the child's
13 needs and interests, communicating with teachers and
14 counselors, and supervising homework;

15 (5) helping a child develop and maintain appropriate
16 interpersonal relationships with peers, siblings, and
17 other family members;

18 (6) ensuring the child attends medical appointments
19 and is available for medical follow-up and meeting the
20 medical needs of the child in the home;

21 (7) providing moral and ethical guidance for a child;
22 and

23 (8) arranging alternative care for a child by a family
24 member, babysitter, or other child care provider or
25 facility, including investigating such alternatives,
26 communicating with providers, and supervising such care.

1 (d) "Parental responsibilities" means both parenting time
2 and significant decision-making responsibilities with respect
3 to a child.

4 (e) "Parenting time" means the time during which a parent
5 is responsible for exercising caretaking functions and
6 non-significant decision-making responsibilities with respect
7 to the child.

8 (f) "Parenting plan" means a written agreement that
9 allocates significant decision-making responsibilities,
10 parenting time, or both.

11 (g) "Relocation" means:

12 (1) a change of residence from the child's current
13 primary residence ~~located in the county of Cook, DuPage,~~
14 ~~Kane, Lake, McHenry, or Will~~ to a new residence within this
15 State that is more than 50 ~~25~~ miles from the child's
16 current residence, as measured by an Internet mapping
17 service;

18 (2) (blank); or ~~a change of residence from the child's~~
19 ~~current primary residence located in a county not listed in~~
20 ~~paragraph (1) to a new residence within this State that is~~
21 ~~more than 50 miles from the child's current primary~~
22 ~~residence, as measured by an Internet mapping service; or~~

23 (3) a change of residence from the child's current
24 primary residence to a residence outside the borders of
25 this State that is more than 50 ~~25~~ miles from the current
26 primary residence, as measured by an Internet mapping

1 service.

2 (h) "Religious upbringing" means the choice of religion or
3 denomination of a religion, religious schooling, religious
4 training, or participation in religious customs or practices.

5 (i) "Restriction of parenting time" means any limitation or
6 condition placed on parenting time, including supervision.

7 (j) "Right of first refusal" has the meaning provided in
8 subsection (b) of Section 602.3 of this Act.

9 (k) "Significant decision-making" means deciding issues of
10 long-term importance in the life of a child.

11 (l) "Step-parent" means a person married to a child's
12 parent, including a person married to the child's parent
13 immediately prior to the parent's death.

14 (m) "Supervision" means the presence of a third party
15 during a parent's exercise of parenting time.

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

17 (750 ILCS 5/609.2)

18 Sec. 609.2. Parent's relocation.

19 (a) A parent's relocation constitutes a substantial change
20 in circumstances for purposes of Section 610.5.

21 (b) A parent who has been allocated a majority of parenting
22 time or either parent who has been allocated equal parenting
23 time may seek to relocate with a child.

24 (c) A parent intending a relocation, as that term is
25 defined in ~~paragraph (1), (2), or (3)~~ of subsection (g) of

1 Section 600 of this Act, must provide written notice of the
2 relocation to the other parent under the parenting plan or
3 allocation judgment. A copy of the notice required under this
4 Section shall be filed with the clerk of the circuit court. The
5 court may waive or seal some or all of the information required
6 in the notice if there is a history of domestic violence.

7 (d) The notice must provide at least 60 days' written
8 notice before the relocation unless such notice is
9 impracticable (in which case written notice shall be given at
10 the earliest date practicable) or unless otherwise ordered by
11 the court. At a minimum, the notice must set forth the
12 following:

- 13 (1) the intended date of the parent's relocation;
14 (2) the address of the parent's intended new residence,
15 if known; and
16 (3) the length of time the relocation will last, if the
17 relocation is not for an indefinite or permanent period.

18 The court may consider a parent's failure to comply with
19 the notice requirements of this Section without good cause (i)
20 as a factor in determining whether the parent's relocation is
21 in good faith; and (ii) as a basis for awarding reasonable
22 attorney's fees and costs resulting from the parent's failure
23 to comply with these provisions.

24 (e) If the non-relocating parent signs the notice that was
25 provided pursuant to subsection (c) and the relocating parent
26 files the notice with the court, relocation shall be allowed

1 without any further court action. The court shall modify the
2 parenting plan or allocation judgment to accommodate a parent's
3 relocation as agreed by the parents, as long as the agreed
4 modification is in the child's best interests.

5 (f) If the non-relocating parent objects to the relocation,
6 fails to sign the notice provided under subsection (c), or the
7 parents cannot agree on modification of the parenting plan or
8 allocation judgment, the parent seeking relocation must file a
9 petition seeking permission to relocate.

10 (g) The court shall modify the parenting plan or allocation
11 judgment in accordance with the child's best interests. The
12 court shall consider the following factors:

13 (1) the circumstances and reasons for the intended
14 relocation;

15 (2) the reasons, if any, why a parent is objecting to
16 the intended relocation;

17 (3) the history and quality of each parent's
18 relationship with the child and specifically whether a
19 parent has substantially failed or refused to exercise the
20 parental responsibilities allocated to him or her under the
21 parenting plan or allocation judgment;

22 (4) the educational opportunities for the child at the
23 existing location and at the proposed new location;

24 (5) the presence or absence of extended family at the
25 existing location and at the proposed new location;

26 (6) the anticipated impact of the relocation on the

1 child;

2 (7) whether the court will be able to fashion a
3 reasonable allocation of parental responsibilities between
4 all parents if the relocation occurs;

5 (8) the wishes of the child, taking into account the
6 child's maturity and ability to express reasoned and
7 independent preferences as to relocation;

8 (9) possible arrangements for the exercise of parental
9 responsibilities appropriate to the parents' resources and
10 circumstances and the developmental level of the child;

11 (10) minimization of the impairment to a parent-child
12 relationship caused by a parent's relocation; and

13 (11) any other relevant factors bearing on the child's
14 best interests.

15 (h) If a parent moves with the child 50 ~~25~~ miles or less
16 from the child's current primary residence to a new primary
17 residence outside Illinois, Illinois continues to be the home
18 state of the child under subsection (c) of Section 202 of the
19 Uniform Child-Custody Jurisdiction and Enforcement Act. Any
20 subsequent move from the new primary residence outside Illinois
21 greater than 50 ~~25~~ miles from the child's original primary
22 residence in Illinois must be in compliance with the provisions
23 of this Section.

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