



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB1174

Introduced 1/24/2025, by Sen. Mike Porfirio

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Uniform Deployed Parents Custody and Visitation Act. Allows parents to enter into a temporary agreement granting custodial responsibility during military deployment. Allows a court, after a deploying parent receives notice of deployment and until the deployment terminates, to issue a temporary order granting custodial responsibility. Allows either parent to file a motion, at any time after a deploying parent receives notice of deployment, regarding custodial responsibility of a child during deployment. Allows a court, on motion of a deploying parent, to grant caretaking authority or limited contact to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship. Provides that an agreement or grant of authority is temporary and terminates after the deploying parent returns from deployment, unless the agreement has been terminated before that time by court order or modification. Provides that if a court has issued an order granting caretaking authority, the court may enter a temporary order for child support. Allows the court, after a deploying parent returns from deployment until a temporary agreement or order for custodial responsibility is terminated, to issue a temporary order granting the deploying parent reasonable contact with the child. Includes provisions regarding expedited hearings, testimony by electronic means, and the effect of prior judicial orders or agreements. Sets forth notice requirements related to pending deployments and change of mailing addresses.

LRB104 09888 JRC 19958 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 Article 1. General Provisions

5 Section 101. Short title. This Act may be cited as the  
6 Uniform Deployed Parents Custody and Visitation Act.

7 Section 102. Definitions. In this Act:

8 (1) "Adult" means an individual who has attained 18  
9 years of age or an emancipated minor.

10 (2) "Caretaking authority" means the right to live  
11 with and care for a child on a day-to-day basis.  
12 "Caretaking authority" includes physical custody,  
13 parenting time, right to access, and visitation.

14 (3) "Child" means:

15 (A) an unemancipated individual who has not  
16 attained 18 years of age; or

17 (B) an adult son or daughter by birth or adoption,  
18 or under law of this State other than this Act, who is  
19 the subject of a court order concerning custodial  
20 responsibility.

21 (4) "Court" means a tribunal, including an  
22 administrative agency, authorized under law of this State

1 other than this Act to make, enforce, or modify a decision  
2 regarding custodial responsibility.

3 (5) "Custodial responsibility" includes all powers and  
4 duties relating to caretaking authority and  
5 decision-making authority for a child. "Custodial  
6 responsibility" includes physical custody, legal custody,  
7 parenting time, right to access, visitation, and authority  
8 to grant limited contact with a child.

9 (6) "Decision-making authority" means the power to  
10 make important decisions regarding a child, including  
11 decisions regarding the child's education, religious  
12 training, health care, extracurricular activities, and  
13 travel. "Decision-making authority" does not include the  
14 power to make decisions that necessarily accompany a grant  
15 of caretaking authority.

16 (7) "Deploying parent" means a service member, who is  
17 deployed or has been notified of impending deployment and  
18 is:

19 (A) a parent of a child under law of this state  
20 other than this Act; or

21 (B) an individual who has custodial responsibility  
22 for a child under law of this State other than this  
23 Act;

24 (8) "Deployment" means the movement or mobilization of  
25 a service member for more than 90 days but less than 18  
26 months pursuant to uniformed service orders that:

1 (A) are designated as unaccompanied;  
2 (B) do not authorize dependent travel; or  
3 (C) otherwise do not permit the movement of family  
4 members to the location to which the service member is  
5 deployed.

6 (9) "Family member" means a sibling, aunt, uncle,  
7 cousin, stepparent, or grandparent of a child or an  
8 individual recognized to be in a familial relationship  
9 with a child under law of this State other than this Act.

10 (10) "Limited contact" means the authority of a  
11 nonparent to visit a child for a limited time. "Limited  
12 contact" includes authority to take the child to a place  
13 other than the residence of the child.

14 (11) "Nonparent" means an individual other than a  
15 deploying parent or other parent.

16 (12) "Other parent" means an individual who, in common  
17 with a deploying parent, is:

18 (A) a parent of a child under law of this State  
19 other than this Act; or

20 (B) an individual who has custodial responsibility  
21 for a child under law of this State other than this  
22 Act.

23 (13) "Record" means information that is inscribed on a  
24 tangible medium or that is stored in an electronic or  
25 other medium and is retrievable in perceivable form.

26 (14) "Return from deployment" means the conclusion of

1 a service member's deployment as specified in uniformed  
2 service orders.

3 (15) "Service member" means a member of a uniformed  
4 service.

5 (16) "Sign" means, with present intent to authenticate  
6 or adopt a record:

7 (A) to execute or adopt a tangible symbol; or

8 (B) to attach to or logically associate with the  
9 record an electronic symbol, sound, or process.

10 (17) "State" means a state of the United States, the  
11 District of Columbia, Puerto Rico, the United States  
12 Virgin Islands, or any territory or insular possession  
13 subject to the jurisdiction of the United States.

14 (18) "Uniformed service" means:

15 (A) active and reserve components of the Army,  
16 Navy, Air Force, Marine Corps, Space Force, or Coast  
17 Guard of the United States;

18 (B) the United States Merchant Marine;

19 (C) the commissioned corps of the United States  
20 Public Health Service;

21 (D) the commissioned corps of the National Oceanic  
22 and Atmospheric Administration of the United States;

23 or

24 (E) the National Guard of a state.

25 Section 103. Remedies for noncompliance. In addition to

1 other remedies under law of this State other than this Act, if  
2 a court finds that a party to a proceeding under this Act has  
3 acted in bad faith or intentionally failed to comply with this  
4 Act or a court order issued under this Act, the court may  
5 assess reasonable attorney's fees and costs against the party  
6 and order other appropriate relief.

7 Section 104. Jurisdiction.

8 (a) A court may issue an order regarding custodial  
9 responsibility under this Act only if the court has  
10 jurisdiction under the Uniform Child Custody Jurisdiction and  
11 Enforcement Act.

12 (b) If a court has issued a temporary order regarding  
13 custodial responsibility pursuant to Article 3, the residence  
14 of the deploying parent is not changed by reason of the  
15 deployment for the purposes of the Uniform Child Custody  
16 Jurisdiction and Enforcement Act during the deployment.

17 (c) If a court has issued a permanent order regarding  
18 custodial responsibility before notice of deployment and the  
19 parents modify that order temporarily by agreement pursuant to  
20 Article 2, the residence of the deploying parent is not  
21 changed by reason of the deployment for the purposes of the  
22 Uniform Child Custody Jurisdiction and Enforcement Act.

23 (d) If a court in another state has issued a temporary  
24 order regarding custodial responsibility as a result of  
25 impending or current deployment, 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 (e) This Section does not prevent a court from exercising  
5 temporary emergency jurisdiction under the Uniform Child  
6 Custody Jurisdiction and Enforcement Act.

7 Section 105. Notification required of deploying parent.

8 (a) Except as otherwise provided in subsection (d) and  
9 subject to subsection (c), a deploying parent shall notify in  
10 a record the other parent of a pending deployment not later  
11 than 7 days after receiving notice of deployment unless  
12 reasonably prevented from doing so by the circumstances of  
13 service. If the circumstances of service prevent giving  
14 notification within the 7 days, the deploying parent shall  
15 give the notification as soon as reasonably possible.

16 (b) Except as otherwise provided in subsection (d) and  
17 subject to subsection (c), each parent shall provide in a  
18 record the other parent with a plan for fulfilling that  
19 parent's share of custodial responsibility during deployment.  
20 Each parent shall provide the plan as soon as reasonably  
21 possible after notification of deployment is given under  
22 subsection (a).

23 (c) If a court order currently in effect prohibits  
24 disclosure of the address or contact information of the other  
25 parent, notification of deployment under subsection (a), or

1 notification of a plan for custodial responsibility during  
2 deployment under subsection (b), may be made only to the  
3 issuing court. If the address of the other parent is available  
4 to the issuing court, the court shall forward the notification  
5 to the other parent. The court shall keep confidential the  
6 address or contact information of the other parent.

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

10 (e) In a proceeding regarding custodial responsibility, a  
11 court may consider the reasonableness of a parent's efforts to  
12 comply with this Section.

13 Section 106. Duty to notify of change of address.

14 (a) Except as otherwise provided in subsection (b), an  
15 individual to whom custodial responsibility has been granted  
16 during deployment pursuant to Article 2 or 3 shall notify the  
17 deploying parent and any other individual with custodial  
18 responsibility of a child of any change of the individual's  
19 mailing address or residence until the grant is terminated.  
20 The individual shall provide the notice to any court that has  
21 issued a custody or child support order concerning the child  
22 which is in effect.

23 (b) If a court order currently in effect prohibits  
24 disclosure of the address or contact information of an  
25 individual to whom custodial responsibility has been granted,



1 a notification under subsection (a) may be made only to the  
2 court that issued the order. The court shall keep confidential  
3 the mailing address or residence of the individual to whom  
4 custodial responsibility has been granted.

5 Section 107. General consideration in custody proceeding  
6 of parent's military service. In a proceeding for custodial  
7 responsibility of a child of a service member, a court may not  
8 consider a parent's past deployment or possible future  
9 deployment in itself in determining the best interests of the  
10 child but may consider any significant impact on the best  
11 interests of the child of the parent's past or possible future  
12 deployment.

13 Article 2. Agreement Addressing Custodial Responsibilities  
14 During Deployment

15 Section 201. Form of agreement.

16 (a) The parents of a child may enter into a temporary  
17 agreement under this Article granting custodial responsibility  
18 during deployment.

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

20 (1) in writing; and

21 (2) signed by both parents and any nonparent to whom  
22 custodial responsibility is granted.

23 (c) Subject to subsection (d), an agreement under

1 subsection (a), if feasible, must:

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

4 (2) specify the allocation of caretaking authority  
5 among the deploying parent, the other parent, and any  
6 nonparent;

7 (3) specify any decision-making authority that  
8 accompanies a grant of caretaking authority;

9 (4) specify any grant of limited contact to a  
10 nonparent;

11 (5) if under the agreement custodial responsibility is  
12 shared by the other parent and a nonparent, or by other  
13 nonparents, provide a process to resolve any dispute that  
14 may arise;

15 (6) specify the frequency, duration, and means,  
16 including electronic means, by which the deploying parent  
17 will have contact with the child, any role to be played by  
18 the other parent in facilitating the contact, and the  
19 allocation of any costs of contact;

20 (7) specify the contact between the deploying parent  
21 and child during the time the deploying parent is on leave  
22 or is otherwise available;

23 (8) acknowledge that any party's child-support  
24 obligation cannot be modified by the agreement, and that  
25 changing the terms of the obligation during deployment  
26 requires modification in the appropriate court;

1           (9) provide that the agreement will terminate  
2 according to the procedures under Article 4 after the  
3 deploying parent returns from deployment; and

4           (10) if the agreement must be filed pursuant to  
5 Section 205, specify which parent is required to file the  
6 agreement.

7           (d) The omission of any of the items specified in  
8 subsection (c) does not invalidate an agreement under this  
9 Section.

10           Section 202. Nature of authority created by agreement.

11           (a) An agreement under this Article is temporary and  
12 terminates pursuant to Article 4 after the deploying parent  
13 returns from deployment, unless the agreement has been  
14 terminated before that time by court order or modification  
15 under Section 203. The agreement does not create an  
16 independent, continuing right to caretaking authority,  
17 decision-making authority, or limited contact in an individual  
18 to whom custodial responsibility is given.

19           (b) A nonparent who has caretaking authority,  
20 decision-making authority, or limited contact by an agreement  
21 under this Article has standing to enforce the agreement until  
22 it has been terminated by court order, by modification under  
23 Section 203, or under Article 4.

24           Section 203. Modification of agreement.

1           (a) By mutual consent, the parents of a child may modify an  
2 agreement regarding custodial responsibility made pursuant to  
3 this Article.

4           (b) If an agreement is modified under subsection (a)  
5 before deployment of a deploying parent, the modification must  
6 be in writing and signed by both parents and any nonparent who  
7 will exercise custodial responsibility under the modified  
8 agreement.

9           (c) If an agreement is modified under subsection (a)  
10 during deployment of a deploying parent, the modification must  
11 be agreed to in a record by both parents and any nonparent who  
12 will exercise custodial responsibility under the modified  
13 agreement.

14           Section 204. Power of attorney. A deploying parent, by  
15 power of attorney, may delegate all or part of custodial  
16 responsibility to an adult nonparent for the period of  
17 deployment if no other parent possesses custodial  
18 responsibility under law of this State other than this Act, or  
19 if a court order currently in effect prohibits contact between  
20 the child and the other parent. The deploying parent may  
21 revoke the power of attorney by signing a revocation of the  
22 power.

23           Section 205. Filing agreement or power of attorney with  
24 court. An agreement or power of attorney under this Article

1 must be filed within a reasonable time with any court that has  
2 entered an order on custodial responsibility or child support  
3 that is in effect concerning the child who is the subject of  
4 the agreement or power. The case number and heading of the  
5 pending case concerning custodial responsibility or child  
6 support must be provided to the court with the agreement or  
7 power.

8 Article 3. Judicial Procedure for Granting Custodial  
9 Responsibility During Deployment

10 Section 301. Definition. In this Article, "close and  
11 substantial relationship" means a relationship in which a  
12 significant bond exists between a child and a nonparent.

13 Section 302. Proceeding for temporary custody order.

14 (a) After a deploying parent receives notice of deployment  
15 and until the deployment terminates, a court may issue a  
16 temporary order granting custodial responsibility unless  
17 prohibited by the Servicemembers Civil Relief Act, 50 U.S.C.  
18 Appendix Sections 521 and 522. A court may not issue a  
19 permanent order granting custodial responsibility without the  
20 consent of the deploying parent.

21 (b) At any time after a deploying parent receives notice  
22 of deployment, either parent may file a motion regarding  
23 custodial responsibility of a child during deployment. The

1 motion must be filed in a pending proceeding for custodial  
2 responsibility in a court with jurisdiction under Section 104  
3 or, if there is no pending proceeding in a court with  
4 jurisdiction under Section 104, in a new action for granting  
5 custodial responsibility during deployment.

6 Section 303. Expedited hearing. If a motion to grant  
7 custodial responsibility is filed under subsection (b) of  
8 Section 302 before a deploying parent deploys, the court shall  
9 conduct an expedited hearing.

10 Section 304. Testimony by electronic means. In a  
11 proceeding under this Article, a party or witness who is not  
12 reasonably available to appear personally may appear, provide  
13 testimony, and present evidence by electronic means unless the  
14 court finds good cause to require a personal appearance.

15 Section 305. Effect of prior judicial order or agreement.  
16 In a proceeding for a grant of custodial responsibility  
17 pursuant to this Article, the following rules apply:

18 (1) A prior judicial order designating custodial  
19 responsibility in the event of deployment is binding on  
20 the court unless the circumstances meet the requirements  
21 of law of this State other than this Act for modifying a  
22 judicial order regarding custodial responsibility.

23 (2) The court shall enforce a prior written agreement

1           between the parents for designating custodial  
2           responsibility in the event of deployment, including an  
3           agreement executed under Article 2, unless the court finds  
4           that the agreement is contrary to the best interests of  
5           the child.

6           Section 306. Grant of caretaking or decision-making  
7           authority to nonparent.

8           (a) On motion of a deploying parent and in accordance with  
9           law of this State other than this Act, if it is in the best  
10          interests of the child, a court may grant caretaking authority  
11          to a nonparent who is an adult family member of the child or an  
12          adult with whom the child has a close and substantial  
13          relationship.

14          (b) Unless a grant of caretaking authority to a nonparent  
15          under subsection (a) is agreed to by the other parent, the  
16          grant is limited to an amount of time not greater than:

17                 (1) the amount of time granted to the deploying parent  
18                 under a permanent custody order, but the court may add  
19                 unusual travel time necessary to transport the child; or

20                 (2) in the absence of a permanent custody order that  
21                 is currently in effect, the amount of time that the  
22                 deploying parent habitually cared for the child before  
23                 being notified of deployment, but the court may add  
24                 unusual travel time necessary to transport the child.

25          (c) A court may grant part of a deploying parent's

1 decision-making authority, if the deploying parent is unable  
2 to exercise that authority, to a nonparent who is an adult  
3 family member of the child or an adult with whom the child has  
4 a close and substantial relationship. If a court grants the  
5 authority to a nonparent, the court shall specify the  
6 decision-making powers granted, including decisions regarding  
7 the child's education, religious training, health care,  
8 extracurricular activities, and travel.

9 Section 307. Grant of limited contact. On motion of a  
10 deploying parent, and in accordance with law of this State  
11 other than this Act, unless the court finds that the contact  
12 would be contrary to the best interests of the child, a court  
13 shall grant limited contact to a nonparent who is a family  
14 member of the child or an individual with whom the child has a  
15 close and substantial relationship.

16 Section 308. Nature of authority created by temporary  
17 custody order.

18 (a) A grant of authority under this Article is temporary  
19 and terminates under Article 4 after the return from  
20 deployment of the deploying parent, unless the grant has been  
21 terminated before that time by court order. The grant does not  
22 create an independent, continuing right to caretaking  
23 authority, decision-making authority, or limited contact in an  
24 individual to whom it is granted.



1           (b) A nonparent granted caretaking authority,  
2 decision-making authority, or limited contact under this  
3 Article has standing to enforce the grant until it is  
4 terminated by court order or under Article 4.

5           Section 309. Content of temporary custody order.

6           (a) An order granting custodial responsibility under this  
7 Article must:

8                 (1) designate the order as temporary; and

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

11           (b) If applicable, an order for custodial responsibility  
12 under this Article must:

13                 (1) specify the allocation of caretaking authority,  
14 decision-making authority, or limited contact among the  
15 deploying parent, the other parent, and any nonparent;

16                 (2) if the order divides caretaking or decision-making  
17 authority between individuals, or grants caretaking  
18 authority to one individual and limited contact to  
19 another, provide a process to resolve any dispute that may  
20 arise;

21                 (3) provide for liberal communication between the  
22 deploying parent and the child during deployment,  
23 including through electronic means, unless contrary to the  
24 best interests of the child, and allocate any costs of  
25 communications;

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

5           (5) provide for reasonable contact between the  
6 deploying parent and the child after return from  
7 deployment until the temporary order is terminated, even  
8 if the time of contact exceeds the time the deploying  
9 parent spent with the child before entry of the temporary  
10 order; and

11           (6) provide that the order will terminate pursuant to  
12 Article 4 after the deploying parent returns from  
13 deployment.

14           Section 310. Order for child support. If a court has  
15 issued an order granting caretaking authority under this  
16 Article, or an agreement granting caretaking authority has  
17 been executed under Article 2, the court may enter a temporary  
18 order for child support consistent with law of this State  
19 other than this Act if the court has jurisdiction under the  
20 Uniform Interstate Family Support Act.

21           Section 311. Modifying or terminating grant of custodial  
22 responsibility to nonparent.

23           (a) Except for an order under Section 305, except as  
24 otherwise provided in subsection (b), and consistent with the

1 Servicemembers Civil Relief Act, 50 U.S.C. Appendix Sections  
2 521 and 522, on motion of a deploying or other parent or any  
3 nonparent to whom caretaking authority, decision-making  
4 authority, or limited contact has been granted, the court may  
5 modify or terminate the grant if the modification or  
6 termination is consistent with this Article and it is in the  
7 best interests of the child. A modification is temporary and  
8 terminates pursuant to Article 4 after the deploying parent  
9 returns from deployment, unless the grant has been terminated  
10 before that time by court order.

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

#### 13 Article 4. Return From Deployment

14 Section 401. Procedure for terminating temporary grant of  
15 custodial responsibility established by agreement.

16 (a) At any time after return from deployment, a temporary  
17 agreement granting custodial responsibility under Article 2  
18 may be terminated by an agreement to terminate signed by the  
19 deploying parent and the other parent.

20 (b) A temporary agreement under Article 2 granting  
21 custodial responsibility terminates:

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

24 (2) if the agreement to terminate does not specify a

1 date, on the date the agreement to terminate is signed by  
2 the deploying parent and the other parent.

3 (c) In the absence of an agreement under subsection (a) to  
4 terminate, a temporary agreement granting custodial  
5 responsibility terminates under Article 2 60 days after the  
6 deploying parent gives notice to the other parent that the  
7 deploying parent returned from deployment.

8 (d) If a temporary agreement granting custodial  
9 responsibility was filed with a court pursuant to Section 205,  
10 an agreement to terminate the temporary agreement also must be  
11 filed with that court within a reasonable time after the  
12 signing of the agreement. The case number and heading of the  
13 case concerning custodial responsibility or child support must  
14 be provided to the court with the agreement to terminate.

15 Section 402. Consent procedure for terminating temporary  
16 grant of custodial responsibility established by court order.  
17 At any time after a deploying parent returns from deployment,  
18 the deploying parent and the other parent may file with the  
19 court an agreement to terminate a temporary order for  
20 custodial responsibility issued under Article 3. After an  
21 agreement has been filed, the court shall issue an order  
22 terminating the temporary order effective on the date  
23 specified in the agreement. If a date is not specified, the  
24 order is effective immediately.

1           Section 403. Visitation before termination of temporary  
2 grant of custodial responsibility. After a deploying parent  
3 returns from deployment until a temporary agreement or order  
4 for custodial responsibility established under Article 2 or 3  
5 is terminated, the court shall issue a temporary order  
6 granting the deploying parent reasonable contact with the  
7 child unless it is contrary to the best interests of the child,  
8 even if the time of contact exceeds the time the deploying  
9 parent spent with the child before deployment.

10           Section 404. Termination by operation of law of temporary  
11 grant of custodial responsibility established by court order.

12           (a) If an agreement between the parties to terminate a  
13 temporary order for custodial responsibility under Article 3  
14 has not been filed, the order terminates 60 days after the  
15 deploying parent gives notice to the other parent and any  
16 nonparent granted custodial responsibility that the deploying  
17 parent has returned from deployment.

18           (b) A proceeding seeking to prevent termination of a  
19 temporary order for custodial responsibility is governed by  
20 law of this State other than this Act.

21                           Article 5. Miscellaneous Provisions

22           Section 501. Uniformity of application and construction.  
23 In applying and construing this uniform Act, consideration

1 must be given to the need to promote uniformity of the law with  
2 respect to its subject matter among states that enact it.

3 Section 502. Relation to Electronic Signatures in Global  
4 and National Commerce Act. This Act modifies, limits, or  
5 supersedes the Electronic Signatures in Global and National  
6 Commerce Act, 15 U.S.C. Section 7001 et seq., but does not  
7 modify, limit, or supersede Section 101(c) of that Act, 15  
8 U.S.C. Section 7001(c), or authorize electronic delivery of  
9 any of the notices described in Section 103(b) of that Act, 15  
10 U.S.C. Section 7003(b).

11 Section 503. Saving clause. This Act does not affect the  
12 validity of a temporary court order concerning custodial  
13 responsibility during deployment which was entered before the  
14 effective date of this Act.