

1 AN ACT in relation to child custody.

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

4 ARTICLE 1

5 GENERAL PROVISIONS

6 Section 101. Short Title. This Act may be cited as the
7 Uniform Child-Custody Jurisdiction and Enforcement Act.

8 Section 102. Definitions. In this Act:

9 (1) "Abandoned" means left without provision for
10 reasonable and necessary care or supervision.

11 (2) "Child" means an individual who has not attained 18
12 years of age.

13 (3) "Child-custody determination" means a judgment,
14 decree, or other order of a court providing for the legal
15 custody, physical custody, or visitation with respect to a
16 child. The term includes a permanent, temporary, initial,
17 and modification order. The term does not include an order
18 relating to child support or other monetary obligation of an
19 individual.

20 (4) "Child-custody proceeding" means a proceeding in
21 which legal custody, physical custody, or visitation with
22 respect to a child is an issue. The term includes a
23 proceeding for divorce, separation, neglect, abuse,
24 dependency, guardianship, paternity, termination of parental
25 rights, and protection from domestic violence, in which the
26 issue may appear. The term does not include a proceeding
27 involving juvenile delinquency, contractual emancipation, or
28 enforcement under Article 3.

29 (5) "Commencement" means the filing of the first
30 pleading in a proceeding.

1 (6) "Court" means an entity authorized under the law of
2 a state to establish, enforce, or modify a child-custody
3 determination.

4 (7) "Home state" means the state in which a child lived
5 with a parent or a person acting as a parent for at least six
6 consecutive months immediately before the commencement of a
7 child-custody proceeding. In the case of a child less than
8 six months of age, the term means the state in which the
9 child lived from birth with any of the persons mentioned. A
10 period of temporary absence of any of the mentioned persons
11 is part of the period.

12 (8) "Initial determination" means the first
13 child-custody determination concerning a particular child.

14 (9) "Issuing court" means the court that makes a
15 child-custody determination for which enforcement is sought
16 under this Act.

17 (10) "Issuing state" means the state in which a
18 child-custody determination is made.

19 (11) "Modification" means a child-custody determination
20 that changes, replaces, supersedes, or is otherwise made
21 after a previous determination concerning the same child,
22 whether or not it is made by the court that made the previous
23 determination.

24 (12) "Person" means an individual, corporation, business
25 trust, estate, trust, partnership, limited liability company,
26 association, joint venture, government; governmental
27 subdivision, agency, or instrumentality; public corporation;
28 or any other legal or commercial entity.

29 (13) "Person acting as a parent" means a person, other
30 than a parent, who:

31 (A) has physical custody of the child or has had
32 physical custody for a period of six consecutive months,
33 including any temporary absence, within one year
34 immediately before the commencement of a child-custody

1 proceeding; and

2 (B) has been awarded legal custody by a court or
3 claims a right to legal custody under the law of this
4 State.

5 (14) "Physical custody" means the physical care and
6 supervision of a child.

7 (15) "State" means a state of the United States, the
8 District of Columbia, Puerto Rico, the United States Virgin
9 Islands, or any territory or insular possession subject to
10 the jurisdiction of the United States.

11 (16) "Tribe" means an Indian tribe or band, or Alaskan
12 Native village, which is recognized by federal law or
13 formally acknowledged by a state.

14 (17) "Warrant" means an order issued by a court
15 authorizing law enforcement officers to take physical custody
16 of a child.

17 Section 103. Proceedings Governed By Other Law. This
18 Act does not govern an adoption proceeding or a proceeding
19 pertaining to the authorization of emergency medical care for
20 a child.

21 Section 104. Application To Indian Tribes.

22 (a) A child-custody proceeding that pertains to an
23 Indian child as defined in the Indian Child Welfare Act, 25
24 U.S.C. 1901 et seq., is not subject to this Act to the extent
25 that it is governed by the Indian Child Welfare Act.

26 (b) A court of this State shall treat a tribe as if it
27 were a state of the United States for the purpose of applying
28 Articles 1 and 2.

29 (c) A child-custody determination made by a tribe under
30 factual circumstances in substantial conformity with the
31 jurisdictional standards of this Act must be recognized and
32 enforced under Article 3.

1 Section 105. International Application Of Act.

2 (a) A court of this State shall treat a foreign country
3 as if it were a state of the United States for the purpose of
4 applying Articles 1 and 2.

5 (b) Except as otherwise provided in subsection (c), a
6 child-custody determination made in a foreign country under
7 factual circumstances in substantial conformity with the
8 jurisdictional standards of this Act must be recognized and
9 enforced under Article 3.

10 (c) A court of this State need not apply this Act if the
11 child custody law of a foreign country violates fundamental
12 principles of human rights.

13 Section 106. Effect Of Child-Custody Determination. A
14 child-custody determination made by a court of this State
15 that had jurisdiction under this Act binds all persons who
16 have been served in accordance with the laws of this State or
17 notified in accordance with Section 108 or who have submitted
18 to the jurisdiction of the court, and who have been given an
19 opportunity to be heard. As to those persons, the
20 determination is conclusive as to all decided issues of law
21 and fact except to the extent the determination is modified.

22 Section 107. Priority. If a question of existence or
23 exercise of jurisdiction under this Act is raised in a
24 child-custody proceeding, the question, upon request of a
25 party, must be given priority on the calendar and handled
26 expeditiously.

27 Section 108. Notice To Persons Outside State.

28 (a) Notice required for the exercise of jurisdiction
29 when a person is outside this State may be given in a manner
30 prescribed by the law of this State for service of process or
31 by the law of the state in which the service is made. Notice

1 must be given in a manner reasonably calculated to give
2 actual notice but may be by publication if other means are
3 not effective.

4 (b) Proof of service may be made in the manner
5 prescribed by the law of this State or by the law of the
6 state in which the service is made.

7 (c) Notice is not required for the exercise of
8 jurisdiction with respect to a person who submits to the
9 jurisdiction of the court.

10 Section 109. Appearance And Limited Immunity.

11 (a) A party to a child-custody proceeding, including a
12 modification proceeding, or a petitioner or respondent in a
13 proceeding to enforce or register a child-custody
14 determination, is not subject to personal jurisdiction in
15 this State for another proceeding or purpose solely by reason
16 of having participated, or of having been physically present
17 for the purpose of participating, in the proceeding.

18 (b) A person who is subject to personal jurisdiction in
19 this State on a basis other than physical presence is not
20 immune from service of process in this State. A party
21 present in this State who is subject to the jurisdiction of
22 another state is not immune from service of process allowable
23 under the laws of that state.

24 (c) The immunity granted by subsection (a) does not
25 extend to civil litigation based on acts unrelated to the
26 participation in a proceeding under this Act committed by an
27 individual while present in this State.

28 Section 110. Communication Between Courts.

29 (a) A court of this State may communicate with a court
30 in another state concerning a proceeding arising under this
31 Act.

32 (b) The court may allow the parties to participate in

1 the communication. If the parties are not able to
2 participate in the communication, they must be given the
3 opportunity to present facts and legal arguments before a
4 decision on jurisdiction is made.

5 (c) Communication between courts on schedules,
6 calendars, court records, and similar matters may occur
7 without informing the parties. A record need not be made of
8 the communication.

9 (d) Except as otherwise provided in subsection (c), a
10 record must be made of a communication under this Section.
11 The parties must be informed promptly of the communication
12 and granted access to the record.

13 (e) For the purposes of this Section, "record" means
14 information that is inscribed on a tangible medium or that is
15 stored in an electronic or other medium and is retrievable in
16 perceivable form.

17 Section 111. Taking Testimony In Another State.

18 (a) In addition to other procedures available to a
19 party, a party to a child-custody proceeding may offer
20 testimony of witnesses who are located in another state,
21 including testimony of the parties and the child, by
22 deposition or other means allowable in this State for
23 testimony taken in another state. The court on its own
24 motion may order that the testimony of a person be taken in
25 another state and may prescribe the manner in which and the
26 terms upon which the testimony is taken.

27 (b) A court of this State may permit an individual
28 residing in another state to be deposed or to testify by
29 telephone, audiovisual means, or other electronic means
30 before a designated court or at another location in that
31 state. A court of this State shall cooperate with courts of
32 other states in designating an appropriate location for the
33 deposition or testimony.

1 (c) Documentary evidence transmitted from another state
2 to a court of this State by technological means that do not
3 produce an original writing may not be excluded from evidence
4 on an objection based on the means of transmission.

5 Section 112. Cooperation Between Courts; Preservation Of
6 Records.

7 (a) A court of this State may request the appropriate
8 court of another state to:

9 (1) hold an evidentiary hearing;

10 (2) order a person to produce or give evidence
11 pursuant to procedures of that state;

12 (3) order that an evaluation be made with respect to
13 the custody of a child involved in a pending proceeding;

14 (4) forward to the court of this State a certified
15 copy of the transcript of the record of the hearing, the
16 evidence otherwise presented, and any evaluation prepared
17 in compliance with the request; and

18 (5) order a party to a child-custody proceeding or
19 any person having physical custody of the child to appear
20 in the proceeding with or without the child.

21 (b) Upon request of a court of another state, a court of
22 this State may hold a hearing or enter an order described in
23 subsection (a).

24 (c) Travel and other necessary and reasonable expenses
25 incurred under subsections (a) and (b) may be assessed
26 against the parties according to the law of this State.

27 (d) A court of this State shall preserve the pleadings,
28 orders, decrees, records of hearings, evaluations, and other
29 pertinent records with respect to a child-custody proceeding
30 until the child attains 18 years of age. Upon appropriate
31 request by a court or law enforcement official of another
32 state, the court shall forward a certified copy of those
33 records.

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ARTICLE 2
JURISDICTION

Section 201. Initial Child-Custody Jurisdiction.

(a) Except as otherwise provided in Section 204, a court of this State has jurisdiction to make an initial child-custody determination only if:

(1) this State is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this State but a parent or person acting as a parent continues to live in this State;

(2) a court of another state does not have jurisdiction under paragraph (1), or a court of the home state of the child has declined to exercise jurisdiction on the ground that this State is the more appropriate forum under Section 207 or 208, and:

(A) the child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this State other than mere physical presence; and

(B) substantial evidence is available in this State concerning the child's care, protection, training, and personal relationships;

(3) all courts having jurisdiction under paragraph (1) or (2) have declined to exercise jurisdiction on the ground that a court of this State is the more appropriate forum to determine the custody of the child under Section 207 or 208; or

(4) no court of any other state would have jurisdiction under the criteria specified in paragraph (1), (2), or (3).

(b) Subsection (a) is the exclusive jurisdictional basis

1 for making a child-custody determination by a court of this
2 State.

3 (c) Physical presence of, or personal jurisdiction over,
4 a party or a child is not necessary or sufficient to make a
5 child-custody determination.

6 Section 202. Exclusive, Continuing Jurisdiction.

7 (a) Except as otherwise provided in Section 204, a court
8 of this State which has made a child-custody determination
9 consistent with Section 201 or 203 has exclusive, continuing
10 jurisdiction over the determination until:

11 (1) a court of this State determines that neither
12 the child, the child's parents, and any person acting as
13 a parent do not have a significant connection with this
14 State and that substantial evidence is no longer
15 available in this State concerning the child's care,
16 protection, training, and personal relationships; or

17 (2) a court of this State or a court of another
18 state determines that the child, the child's parents, and
19 any person acting as a parent do not presently reside in
20 this State.

21 (b) A court of this State which has made a child-custody
22 determination and does not have exclusive, continuing
23 jurisdiction under this Section may modify that determination
24 only if it has jurisdiction to make an initial determination
25 under Section 201.

26 Section 203. Jurisdiction To Modify Determination.

27 Except as otherwise provided in Section 204, a court of this
28 State may not modify a child-custody determination made by a
29 court of another state unless a court of this State has
30 jurisdiction to make an initial determination under Section
31 201(a)(1) or (2) and:

32 (1) the court of the other state determines it no

1 longer has exclusive, continuing jurisdiction under
2 Section 202 or that a court of this State would be a more
3 convenient forum under Section 207; or

4 (2) a court of this State or a court of the other
5 state determines that the child, the child's parents, and
6 any person acting as a parent do not presently reside in
7 the other state.

8 Section 204. Temporary Emergency Jurisdiction.

9 (a) A court of this State has temporary emergency
10 jurisdiction if the child is present in this State and the
11 child has been abandoned or it is necessary in an emergency
12 to protect the child because the child, or a sibling or
13 parent of the child, is subjected to or threatened with
14 mistreatment or abuse.

15 (b) If there is no previous child-custody determination
16 that is entitled to be enforced under this Act and a
17 child-custody proceeding has not been commenced in a court of
18 a state having jurisdiction under Sections 201 through 203, a
19 child-custody determination made under this Section remains
20 in effect until an order is obtained from a court of a state
21 having jurisdiction under Sections 201 through 203. If a
22 child-custody proceeding has not been or is not commenced in
23 a court of a state having jurisdiction under Sections 201
24 through 203, a child-custody determination made under this
25 Section becomes a final determination, if it so provides and
26 this State becomes the home state of the child.

27 (c) If there is a previous child-custody determination
28 that is entitled to be enforced under this Act, or a
29 child-custody proceeding has been commenced in a court of a
30 state having jurisdiction under Sections 201 through 203, any
31 order issued by a court of this State under this Section must
32 specify in the order a period that the court considers
33 adequate to allow the person seeking an order to obtain an

1 order from the state having jurisdiction under Sections 201
2 through 203. The order issued in this State remains in
3 effect until an order is obtained from the other state within
4 the period specified or the period expires.

5 (d) A court of this State which has been asked to make a
6 child-custody determination under this Section, upon being
7 informed that a child-custody proceeding has been commenced
8 in, or a child-custody determination has been made by, a
9 court of a state having jurisdiction under Sections 201
10 through 203, shall immediately communicate with the other
11 court. A court of this State which is exercising
12 jurisdiction pursuant to Sections 201 through 203, upon being
13 informed that a child-custody proceeding has been commenced
14 in, or a child-custody determination has been made by, a
15 court of another state under a statute similar to this
16 Section shall immediately communicate with the court of that
17 state to resolve the emergency, protect the safety of the
18 parties and the child, and determine a period for the
19 duration of the temporary order.

20 Section 205. Notice; Opportunity To Be Heard; Joinder.

21 (a) Before a child-custody determination is made under
22 this Act, notice and an opportunity to be heard in accordance
23 with the standards of Section 108 must be given to all
24 persons entitled to notice under the law of this State as in
25 child-custody proceedings between residents of this State,
26 any parent whose parental rights have not been previously
27 terminated, and any person having physical custody of the
28 child.

29 (b) This Act does not govern the enforceability of a
30 child-custody determination made without notice or an
31 opportunity to be heard.

32 (c) The obligation to join a party and the right to
33 intervene as a party in a child-custody proceeding under this

1 Act are governed by the law of this State as in child-custody
2 proceedings between residents of this State.

3 Section 206. Simultaneous Proceedings.

4 (a) Except as otherwise provided in Section 204, a court
5 of this State may not exercise its jurisdiction under this
6 Article if, at the time of the commencement of the
7 proceeding, a proceeding concerning the custody of the child
8 has been commenced in a court of another state having
9 jurisdiction substantially in conformity with this Act,
10 unless the proceeding has been terminated or is stayed by the
11 court of the other state because a court of this State is a
12 more convenient forum under Section 207.

13 (b) Except as otherwise provided in Section 204, a court
14 of this State, before hearing a child-custody proceeding,
15 shall examine the court documents and other information
16 supplied by the parties pursuant to Section 209. If the
17 court determines that a child-custody proceeding has been
18 commenced in a court in another state having jurisdiction
19 substantially in accordance with this Act, the court of this
20 State shall stay its proceeding and communicate with the
21 court of the other state. If the court of the state having
22 jurisdiction substantially in accordance with this Act does
23 not determine that the court of this State is a more
24 appropriate forum, the court of this State shall dismiss the
25 proceeding.

26 (c) In a proceeding to modify a child-custody
27 determination, a court of this State shall determine whether
28 a proceeding to enforce the determination has been commenced
29 in another state. If a proceeding to enforce a child-custody
30 determination has been commenced in another state, the court
31 may:

- 32 (1) stay the proceeding for modification pending the
33 entry of an order of a court of the other state

1 enforcing, staying, denying, or dismissing the proceeding
2 for enforcement;

3 (2) enjoin the parties from continuing with the
4 proceeding for enforcement; or

5 (3) proceed with the modification under conditions
6 it considers appropriate.

7 Section 207. Inconvenient Forum.

8 (a) A court of this State which has jurisdiction under
9 this Act to make a child-custody determination may decline to
10 exercise its jurisdiction at any time if it determines that
11 it is an inconvenient forum under the circumstances and that
12 a court of another state is a more appropriate forum. The
13 issue of inconvenient forum may be raised upon motion of a
14 party, the court's own motion, or request of another court.

15 (b) Before determining whether it is an inconvenient
16 forum, a court of this State shall consider whether it is
17 appropriate for a court of another state to exercise
18 jurisdiction. For this purpose, the court shall allow the
19 parties to submit information and shall consider all relevant
20 factors, including:

21 (1) whether domestic violence has occurred and is
22 likely to continue in the future and which state could
23 best protect the parties and the child;

24 (2) the length of time the child has resided outside
25 this State;

26 (3) the distance between the court in this State and
27 the court in the state that would assume jurisdiction;

28 (4) the relative financial circumstances of the
29 parties;

30 (5) any agreement of the parties as to which state
31 should assume jurisdiction;

32 (6) the nature and location of the evidence required
33 to resolve the pending litigation, including testimony of

1 the child;

2 (7) the ability of the court of each state to decide
3 the issue expeditiously and the procedures necessary to
4 present the evidence; and

5 (8) the familiarity of the court of each state with
6 the facts and issues in the pending litigation.

7 (c) If a court of this State determines that it is an
8 inconvenient forum and that a court of another state is a
9 more appropriate forum, it shall stay the proceedings upon
10 condition that a child-custody proceeding be promptly
11 commenced in another designated state and may impose any
12 other condition the court considers just and proper.

13 (d) A court of this State may decline to exercise its
14 jurisdiction under this Act if a child-custody determination
15 is incidental to an action for divorce or another proceeding
16 while still retaining jurisdiction over the divorce or other
17 proceeding.

18 Section 208. Jurisdiction Declined By Reason Of Conduct.

19 (a) Except as otherwise provided in Section 204 or by
20 other law of this State, if a court of this State has
21 jurisdiction under this Act because a person seeking to
22 invoke its jurisdiction has engaged in unjustifiable conduct,
23 the court shall decline to exercise its jurisdiction unless:

24 (1) the parents and all persons acting as parents
25 have acquiesced in the exercise of jurisdiction;

26 (2) a court of the state otherwise having
27 jurisdiction under Sections 201 through 203 determines
28 that this State is a more appropriate forum under Section
29 207; or

30 (3) no court of any other state would have
31 jurisdiction under the criteria specified in Sections 201
32 through 203.

33 (b) If a court of this State declines to exercise its

1 jurisdiction pursuant to subsection (a), it may fashion an
2 appropriate remedy to ensure the safety of the child and
3 prevent a repetition of the unjustifiable conduct, including
4 staying the proceeding until a child-custody proceeding is
5 commenced in a court having jurisdiction under Sections 201
6 through 203.

7 (c) If a court dismisses a petition or stays a
8 proceeding because it declines to exercise its jurisdiction
9 pursuant to subsection (a), it shall assess against the party
10 seeking to invoke its jurisdiction necessary and reasonable
11 expenses including costs, communication expenses, attorney's
12 fees, investigative fees, expenses for witnesses, travel
13 expenses, and child care during the course of the
14 proceedings, unless the party from whom fees are sought
15 establishes that the assessment would be clearly
16 inappropriate. The court may not assess fees, costs, or
17 expenses against this State unless authorized by law other
18 than this Act.

19 Section 209. Information To Be Submitted To Court.

20 (a) Subject to any other law providing for the
21 confidentiality of procedures, addresses, and other
22 identifying information, in a child-custody proceeding, each
23 party, in its first pleading or in an attached affidavit,
24 shall give information, if reasonably ascertainable, under
25 oath as to the child's present address or whereabouts, the
26 places where the child has lived during the last five years,
27 and the names and present addresses of the persons with whom
28 the child has lived during that period. The pleading or
29 affidavit must state whether the party:

30 (1) has participated, as a party or witness or in
31 any other capacity, in any other proceeding concerning
32 the custody of or visitation with the child and, if so,
33 identify the court, the case number, and the date of the

1 child-custody determination, if any;

2 (2) knows of any proceeding that could affect the
3 current proceeding, including proceedings for enforcement
4 and proceedings relating to domestic violence, protective
5 orders, termination of parental rights, and adoptions
6 and, if so, identify the court, the case number, and the
7 nature of the proceeding; and

8 (3) knows the names and addresses of any person not
9 a party to the proceeding who has physical custody of the
10 child or claims rights of legal custody or physical
11 custody of, or visitation with, the child and, if so, the
12 names and addresses of those persons.

13 (b) If the information required by subsection (a) is not
14 furnished, the court, upon motion of a party or its own
15 motion, may stay the proceeding until the information is
16 furnished.

17 (c) If the declaration as to any of the items described
18 in subsection (a)(1) through (3) is in the affirmative, the
19 declarant shall give additional information under oath as
20 required by the court. The court may examine the parties
21 under oath as to details of the information furnished and
22 other matters pertinent to the court's jurisdiction and the
23 disposition of the case.

24 (d) Each party has a continuing duty to inform the court
25 of any proceeding in this or any other state that could
26 affect the current proceeding.

27 (e) (Blank).

28 Section 210. Appearance Of Parties And Child.

29 (a) In a child-custody proceeding in this State, the
30 court may order a party to the proceeding who is in this
31 State to appear before the court in person with or without
32 the child. The court may order any person who is in this
33 State and who has physical custody or control of the child to

1 appear in person with the child.

2 (b) If a party to a child-custody proceeding whose
3 presence is desired by the court is outside this State, the
4 court may order that a notice given pursuant to Section 108
5 include a statement directing the party to appear in person
6 with or without the child and informing the party that
7 failure to appear may result in a decision adverse to the
8 party.

9 (c) The court may enter any orders necessary to ensure
10 the safety of the child and of any person ordered to appear
11 under this Section.

12 (d) If a party to a child-custody proceeding who is
13 outside this State is directed to appear under subsection (b)
14 or desires to appear personally before the court with or
15 without the child, the court may require another party to pay
16 reasonable and necessary travel and other expenses of the
17 party so appearing and of the child.

18 ARTICLE 3

19 ENFORCEMENT

20 Section 301. Definitions. In this Article:

21 (1) "Petitioner" means a person who seeks enforcement of
22 an order for return of a child under the Hague Convention on
23 the Civil Aspects of International Child Abduction or
24 enforcement of a child-custody determination.

25 (2) "Respondent" means a person against whom a
26 proceeding has been commenced for enforcement of an order for
27 return of a child under the Hague Convention on the Civil
28 Aspects of International Child Abduction or enforcement of a
29 child-custody determination.

30 Section 302. Enforcement Under Hague Convention. Under
31 this Article a court of this State may enforce an order for

1 the return of the child made under the Hague Convention on
2 the Civil Aspects of International Child Abduction as if it
3 were a child-custody determination.

4 Section 303. Duty To Enforce.

5 (a) A court of this State shall recognize and enforce a
6 child-custody determination of a court of another state if
7 the latter court exercised jurisdiction in substantial
8 conformity with this Act or the determination was made under
9 factual circumstances meeting the jurisdictional standards of
10 this Act and the determination has not been modified in
11 accordance with this Act.

12 (b) A court of this State may utilize any remedy
13 available under other law of this State to enforce a
14 child-custody determination made by a court of another state.
15 The remedies provided in this Article are cumulative and do
16 not affect the availability of other remedies to enforce a
17 child-custody determination.

18 Section 304. Temporary Visitation.

19 (a) A court of this State which does not have
20 jurisdiction to modify a child-custody determination, may
21 issue a temporary order enforcing:

22 (1) a visitation schedule made by a court of another
23 state; or

24 (2) the visitation provisions of a child-custody
25 determination of another state that does not provide for
26 a specific visitation schedule.

27 (b) If a court of this State makes an order under
28 subsection (a)(2), it shall specify in the order a period
29 that it considers adequate to allow the petitioner to obtain
30 an order from a court having jurisdiction under the criteria
31 specified in Article 2. The order remains in effect until an
32 order is obtained from the other court or the period expires.

1 Section 305. Registration Of Child-Custody
2 Determination.

3 (a) A child-custody determination issued by a court of
4 another state may be registered in this State, with or
5 without a simultaneous request for enforcement, by sending to
6 the circuit court in this State:

7 (1) a letter or other document requesting
8 registration;

9 (2) two copies, including one certified copy, of the
10 determination sought to be registered, and a statement
11 under penalty of perjury that to the best of the
12 knowledge and belief of the person seeking registration
13 the order has not been modified; and

14 (3) except as otherwise provided in Section 209, the
15 name and address of the person seeking registration and
16 any parent or person acting as a parent who has been
17 awarded custody or visitation in the child-custody
18 determination sought to be registered.

19 (b) On receipt of the documents required by subsection
20 (a), the registering court shall:

21 (1) cause the determination to be filed as a foreign
22 judgment, together with one copy of any accompanying
23 documents and information, regardless of their form; and

24 (2) serve notice upon the persons named pursuant to
25 subsection (a)(3) and provide them with an opportunity to
26 contest the registration in accordance with this Section.

27 (c) The notice required by subsection (b)(2) must state
28 that:

29 (1) a registered determination is enforceable as of
30 the date of the registration in the same manner as a
31 determination issued by a court of this State;

32 (2) a hearing to contest the validity of the
33 registered determination must be requested within 20 days
34 after service of notice; and

1 (3) failure to contest the registration will result
2 in confirmation of the child-custody determination and
3 preclude further contest of that determination with
4 respect to any matter that could have been asserted.

5 (d) A person seeking to contest the validity of a
6 registered order must request a hearing within 20 days after
7 service of the notice. At that hearing, the court shall
8 confirm the registered order unless the person contesting
9 registration establishes that:

10 (1) the issuing court did not have jurisdiction
11 under Article 2;

12 (2) the child-custody determination sought to be
13 registered has been vacated, stayed, or modified by a
14 court having jurisdiction to do so under Article 2; or

15 (3) the person contesting registration was entitled
16 to notice, but notice was not given in accordance with
17 the standards of Section 108, in the proceedings before
18 the court that issued the order for which registration is
19 sought.

20 (e) If a timely request for a hearing to contest the
21 validity of the registration is not made, the registration is
22 confirmed as a matter of law and the person requesting
23 registration and all persons served must be notified of the
24 confirmation.

25 (f) Confirmation of a registered order, whether by
26 operation of law or after notice and hearing, precludes
27 further contest of the order with respect to any matter that
28 could have been asserted at the time of registration.

29 Section 306. Enforcement Of Registered Determination.

30 (a) A court of this State may grant any relief normally
31 available under the law of this State to enforce a registered
32 child-custody determination made by a court of another state.

33 (b) A court of this State shall recognize and enforce,

1 but may not modify, except in accordance with Article 2, a
2 registered child-custody determination of a court of another
3 state.

4 Section 307. Simultaneous Proceedings. If a proceeding
5 for enforcement under this Article is commenced in a court of
6 this State and the court determines that a proceeding to
7 modify the determination is pending in a court of another
8 state having jurisdiction to modify the determination under
9 Article 2, the enforcing court shall immediately communicate
10 with the modifying court. The proceeding for enforcement
11 continues unless the enforcing court, after consultation with
12 the modifying court, stays or dismisses the proceeding.

13 Section 308. Expedited Enforcement Of Child-Custody
14 Determination.

15 (a) A petition under this Article must be verified.
16 Certified copies of all orders sought to be enforced and of
17 any order confirming registration must be attached to the
18 petition. A copy of a certified copy of an order may be
19 attached instead of the original.

20 (b) A petition for enforcement of a child-custody
21 determination must state:

22 (1) whether the court that issued the determination
23 identified the jurisdictional basis it relied upon in
24 exercising jurisdiction and, if so, what the basis was;

25 (2) whether the determination for which enforcement
26 is sought has been vacated, stayed, or modified by a
27 court whose decision must be enforced under this Act and,
28 if so, identify the court, the case number, and the
29 nature of the proceeding;

30 (3) whether any proceeding has been commenced that
31 could affect the current proceeding, including
32 proceedings relating to domestic violence, protective

1 orders, termination of parental rights, and adoptions
2 and, if so, identify the court, the case number, and the
3 nature of the proceeding;

4 (4) the present physical address of the child and
5 the respondent, if known;

6 (5) whether relief in addition to the immediate
7 physical custody of the child and attorney's fees is
8 sought, including a request for assistance from law
9 enforcement officials and, if so, the relief sought; and

10 (6) if the child-custody determination has been
11 registered and confirmed under Section 305, the date and
12 place of registration.

13 (c) Upon the filing of a petition, the court shall issue
14 an order directing the respondent to appear in person with or
15 without the child at a hearing and may enter any order
16 necessary to ensure the safety of the parties and the child.
17 The hearing must be held on the next judicial day after
18 service of the order unless that date is impossible. In that
19 event, the court shall hold the hearing on the first judicial
20 day possible. The court may extend the date of hearing at
21 the request of the petitioner.

22 (d) An order issued under subsection (c) must state the
23 time and place of the hearing and advise the respondent that
24 at the hearing the court will order that the petitioner may
25 take immediate physical custody of the child and the payment
26 of fees, costs, and expenses under Section 312, and may
27 schedule a hearing to determine whether further relief is
28 appropriate, unless the respondent appears and establishes
29 that:

30 (1) the child-custody determination has not been
31 registered and confirmed under Section 305 and that:

32 (A) the issuing court did not have jurisdiction
33 under Article 2;

34 (B) the child-custody determination for which

1 enforcement is sought has been vacated, stayed, or
2 modified by a court having jurisdiction to do so
3 under Article 2;

4 (C) the respondent was entitled to notice, but
5 notice was not given in accordance with the
6 standards of Section 108, in the proceedings before
7 the court that issued the order for which
8 enforcement is sought; or

9 (2) the child-custody determination for which
10 enforcement is sought was registered and confirmed under
11 Section 304, but has been vacated, stayed, or modified by
12 a court of a state having jurisdiction to do so under
13 Article 2.

14 Section 309. Service Of Petition And Order. Except as
15 otherwise provided in Section 311, the petition and order
16 must be served, by any method authorized by the law of this
17 State, upon respondent and any person who has physical
18 custody of the child.

19 Section 310. Hearing And Order.

20 (a) Unless the court issues a temporary emergency order
21 pursuant to Section 204, upon a finding that a petitioner is
22 entitled to immediate physical custody of the child, the
23 court shall order that the petitioner may take immediate
24 physical custody of the child unless the respondent
25 establishes that:

26 (1) the child-custody determination has not been
27 registered and confirmed under Section 305 and that:

28 (A) the issuing court did not have jurisdiction
29 under Article 2;

30 (B) the child-custody determination for which
31 enforcement is sought has been vacated, stayed, or
32 modified by a court of a state having jurisdiction

1 to do so under Article 2; or

2 (C) the respondent was entitled to notice, but
3 notice was not given in accordance with the
4 standards of Section 108, in the proceedings before
5 the court that issued the order for which
6 enforcement is sought; or

7 (2) the child-custody determination for which
8 enforcement is sought was registered and confirmed under
9 Section 305 but has been vacated, stayed, or modified by
10 a court of a state having jurisdiction to do so under
11 Article 2.

12 (b) The court shall award the fees, costs, and expenses
13 authorized under Section 312 and may grant additional relief,
14 including a request for the assistance of law enforcement
15 officials, and set a further hearing to determine whether
16 additional relief is appropriate.

17 (c) If a party called to testify refuses to answer on
18 the ground that the testimony may be self-incriminating, the
19 court may draw an adverse inference from the refusal.

20 (d) A privilege against disclosure of communications
21 between spouses and a defense of immunity based on the
22 relationship of husband and wife or parent and child may not
23 be invoked in a proceeding under this Article.

24 Section 311. Warrant To Take Physical Custody Of Child.

25 (a) Upon the filing of a petition seeking enforcement of
26 a child-custody determination, the petitioner may file a
27 verified application for the issuance of a warrant to take
28 physical custody of the child if the child is immediately
29 likely to suffer serious physical harm or be removed from
30 this State.

31 (b) If the court, upon the testimony of the petitioner
32 or other witness, finds that the child is imminently likely
33 to suffer serious physical harm or be removed from this

1 State, it may issue a warrant to take physical custody of the
2 child. The petition must be heard on the next judicial day
3 after the warrant is executed unless that date is impossible.
4 In that event, the court shall hold the hearing on the first
5 judicial day possible. The application for the warrant must
6 include the statements required by Section 308(b).

7 (c) A warrant to take physical custody of a child must:

8 (1) recite the facts upon which a conclusion of
9 imminent serious physical harm or removal from the
10 jurisdiction is based;

11 (2) direct law enforcement officers to take physical
12 custody of the child immediately; and

13 (3) provide for the placement of the child pending
14 final relief.

15 (d) The respondent must be served with the petition,
16 warrant, and order immediately after the child is taken into
17 physical custody.

18 (e) A warrant to take physical custody of a child is
19 enforceable throughout this State. If the court finds on the
20 basis of the testimony of the petitioner or other witness
21 that a less intrusive remedy is not effective, it may
22 authorize law enforcement officers to enter private property
23 to take physical custody of the child. If required by
24 exigent circumstances of the case, the court may authorize
25 law enforcement officers to make a forcible entry at any
26 hour.

27 (f) The court may impose conditions upon placement of a
28 child to ensure the appearance of the child and the child's
29 custodian.

30 Section 312. Costs, Fees, And Expenses.

31 (a) The court shall award the prevailing party,
32 including a state, necessary and reasonable expenses incurred
33 by or on behalf of the party, including costs, communication

1 expenses, attorney's fees, investigative fees, expenses for
2 witnesses, travel expenses, and child care during the course
3 of the proceedings, unless the party from whom fees or
4 expenses are sought establishes that the award would be
5 clearly inappropriate.

6 (b) The court may not assess fees, costs, or expenses
7 against a state unless authorized by law other than this Act.

8 Section 313. Recognition And Enforcement. A court of
9 this State shall accord full faith and credit to an order
10 issued by another state and consistent with this Act which
11 enforces a child-custody determination by a court of another
12 state unless the order has been vacated, stayed, or modified
13 by a court having jurisdiction to do so under Article 2.

14 Section 314. Appeals. An appeal may be taken from a
15 final order in a proceeding under this Article in accordance
16 with expedited appellate procedures which are or may be
17 established by Supreme Court Rule. Unless the court enters a
18 temporary emergency order under Section 204, the enforcing
19 court may not stay an order enforcing a child-custody
20 determination pending appeal.

21 Section 315. Role Of State's Attorney.

22 (a) In a case arising under this Act or involving the
23 Hague Convention on the Civil Aspects of International Child
24 Abduction, the State's Attorney or other appropriate public
25 official may take any lawful action, including resort to a
26 proceeding under this Article or any other available civil
27 proceeding to locate a child, obtain the return of a child,
28 or enforce a child-custody determination if there is:

29 (1) an existing child-custody determination;

30 (2) a request to do so from a court in a pending
31 child-custody proceeding;

1 (3) a reasonable belief that a criminal statute has
2 been violated; or

3 (4) a reasonable belief that the child has been
4 wrongfully removed or retained in violation of the Hague
5 Convention on the Civil Aspects of International Child
6 Abduction.

7 (b) A State's Attorney or appropriate public official
8 acting under this Section acts on behalf of the court and may
9 not represent any party.

10 Section 316. Role Of Law Enforcement. At the request of
11 a State's Attorney or other appropriate public official
12 acting under Section 315, a law enforcement officer may take
13 any lawful action reasonably necessary to locate a child or a
14 party and assist a State's Attorney or appropriate public
15 official with responsibilities under Section 315.

16 Section 317. Costs And Expenses. If the respondent is
17 not the prevailing party, the court may assess against the
18 respondent all direct expenses and costs incurred by the
19 State's Attorney or other appropriate public official and law
20 enforcement officers under Section 315 or 316.

21 ARTICLE 4
22 MISCELLANEOUS PROVISIONS

23 Section 401. Application And Construction. In applying
24 and construing this Uniform Act, consideration must be given
25 to the need to promote uniformity of the law with respect to
26 its subject matter among states that enact it.

27 Section 402. Severability Clause. If any provision of
28 this Act or its application to any person or circumstance is
29 held invalid, the invalidity does not affect other provisions

1 or applications of this Act which can be given effect without
2 the invalid provision or application, and to this end the
3 provisions of this Act are severable.

4 Section 402.1. The Illinois Public Aid Code is amended
5 by changing Section 10-3.2 as follows:

6 (305 ILCS 5/10-3.2) (from Ch. 23, par. 10-3.2)

7 Sec. 10-3.2. Parent Locator Service. The Illinois
8 Department through its Child and Spouse Support Unit shall
9 enter into agreements with the Secretary of Health and Human
10 Services or his designee under which the services of the
11 federal Parent Locator Service established by the Social
12 Security Act are made available to this State and the
13 Illinois Department for the purpose of locating an absent
14 parent or child when the child has been abducted or otherwise
15 improperly removed or retained from the physical custody of a
16 parent or other person entitled to custody of the child, or
17 in connection with the making or enforcing of a child custody
18 determination in custody proceedings instituted under the
19 Uniform Child Custody Jurisdiction Act or the Uniform
20 Child-Custody Jurisdiction and Enforcement Act, or otherwise
21 in accordance with law. The Illinois Department shall provide
22 general information to the public about the availability and
23 use of the Parent Locator Service in relation to child
24 abduction and custody determination proceedings, shall
25 promptly respond to inquiries made by those parties specified
26 by federal regulations upon receipt of information as to the
27 location of an absent parent or child from the federal Parent
28 Locator Service and shall maintain accurate records as to the
29 number of such inquiries received and processed by the
30 Department.

31 (Source: P.A. 83-1396.)

1 Section 402.2. The Intergovernmental Missing Child
2 Recovery Act of 1984 is amended by changing Section 7.1 as
3 follows:

4 (325 ILCS 40/7.1) (from Ch. 23, par. 2257.1)

5 Sec. 7.1. In addition to any requirement of Section 601
6 or 611 of the Illinois Marriage and Dissolution of Marriage
7 Act or applicable provisions ~~Section--97--15--or--17~~ of the
8 Uniform Child-Custody ~~Child---Custody~~ Jurisdiction and
9 Enforcement Act regarding a custody proceeding of an
10 out-of-state party, every court in this State, prior to
11 granting or modifying a custody judgment, shall inquire with
12 LEADS and the National Crime Information Center to ascertain
13 whether the child or children in question have been reported
14 missing or have been involved in or are the victims of a
15 parental or noncustodial abduction. Such inquiry may be
16 conducted with any law enforcement agency in this State that
17 maintains a LEADS terminal or has immediate access to one on
18 a 24-hour-per-day, 7-day-per-week basis through a written
19 agreement with another law enforcement agency.

20 (Source: P.A. 84-171.)

21 Section 402.3. The Criminal Code of 1961 is amended by
22 changing Section 32-4a as follows:

23 (720 ILCS 5/32-4a) (from Ch. 38, par. 32-4a)

24 Sec. 32-4a. Harassment of representatives for the child,
25 jurors, witnesses and family members of representatives for
26 the child, jurors, and witnesses.

27 (a) A person who, with intent to harass or annoy one who
28 has served or is serving or who is a family member of a
29 person who has served or is serving (1) as a juror because of
30 the verdict returned by the jury in a pending legal
31 proceeding or the participation of the juror in the verdict

1 or (2) as a witness, or who may be expected to serve as a
2 witness in a pending legal proceeding, because of the
3 testimony or potential testimony of the witness, communicates
4 directly or indirectly with the juror, witness, or family
5 member of a juror or witness in such manner as to produce
6 mental anguish or emotional distress or who conveys a threat
7 of injury or damage to the property or person of any juror,
8 witness, or family member of the juror or witness commits a
9 Class 2 felony.

10 (b) A person who, with intent to harass or annoy one who
11 has served or is serving or who is a family member of a
12 person who has served or is serving as a representative for
13 the child, appointed under Section 506 of the Illinois
14 Marriage and Dissolution of Marriage Act, ~~Section 12 of the~~
15 ~~Uniform Child Custody Jurisdiction Act,~~ or Section 2-502 of
16 the Code of Civil Procedure, because of the representative
17 service of that capacity, communicates directly or indirectly
18 with the representative or a family member of the
19 representative in such manner as to produce mental anguish or
20 emotional distress or who conveys a threat of injury or
21 damage to the property or person of any representative or a
22 family member of the representative commits a Class A
23 misdemeanor.

24 (c) For purposes of this Section, "family member" means
25 a spouse, parent, child, stepchild or other person related by
26 blood or by present marriage, a person who has, or allegedly
27 has a child in common, and a person who shares or allegedly
28 shares a blood relationship through a child.

29 (Source: P.A. 90-126, eff. 1-1-98; 91-696, eff. 4-13-00.)

30 Section 402.4. The Code of Criminal Procedure of 1963 is
31 amended by changing Sections 112A-9 and 112A-14 as follows:

32 (725 ILCS 5/112A-9) (from Ch. 38, par. 112A-9)

1 Sec. 112A-9. Jurisdiction over persons. In child
2 custody proceedings, the court's personal jurisdiction is
3 determined by this State's Uniform Child-Custody Child
4 Custody Jurisdiction and Enforcement Act,--as now or hereafter
5 amended. Otherwise, the courts of this State have
6 jurisdiction to bind (i) State residents, and (ii)
7 non-residents having minimum contacts with this State, to the
8 extent permitted by the long-arm statute, Section 2-209 of
9 the Code of Civil Procedure, as now or hereafter amended.
10 (Source: P.A. 84-1305.)

11 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

12 Sec. 112A-14. Order of protection; remedies.

13 (a) Issuance of order. If the court finds that
14 petitioner has been abused by a family or household member,
15 as defined in this Article, an order of protection
16 prohibiting such abuse shall issue; provided that petitioner
17 must also satisfy the requirements of one of the following
18 Sections, as appropriate: Section 112A-17 on emergency
19 orders, Section 112A-18 on interim orders, or Section 112A-19
20 on plenary orders. Petitioner shall not be denied an order
21 of protection because petitioner or respondent is a minor.
22 The court, when determining whether or not to issue an order
23 of protection, shall not require physical manifestations of
24 abuse on the person of the victim. Modification and
25 extension of prior orders of protection shall be in
26 accordance with this Article.

27 (b) Remedies and standards. The remedies to be included
28 in an order of protection shall be determined in accordance
29 with this Section and one of the following Sections, as
30 appropriate: Section 112A-17 on emergency orders, Section
31 112A-18 on interim orders, and Section 112A-19 on plenary
32 orders. The remedies listed in this subsection shall be in
33 addition to other civil or criminal remedies available to

1 petitioner.

2 (1) Prohibition of abuse. Prohibit respondent's
3 harassment, interference with personal liberty,
4 intimidation of a dependent, physical abuse or willful
5 deprivation, as defined in this Article, if such abuse
6 has occurred or otherwise appears likely to occur if not
7 prohibited.

8 (2) Grant of exclusive possession of residence.
9 Prohibit respondent from entering or remaining in any
10 residence or household of the petitioner, including one
11 owned or leased by respondent, if petitioner has a right
12 to occupancy thereof. The grant of exclusive possession
13 of the residence shall not affect title to real property,
14 nor shall the court be limited by the standard set forth
15 in Section 701 of the Illinois Marriage and Dissolution
16 of Marriage Act.

17 (A) Right to occupancy. A party has a right
18 to occupancy of a residence or household if it is
19 solely or jointly owned or leased by that party,
20 that party's spouse, a person with a legal duty to
21 support that party or a minor child in that party's
22 care, or by any person or entity other than the
23 opposing party that authorizes that party's
24 occupancy (e.g., a domestic violence shelter).
25 Standards set forth in subparagraph (B) shall not
26 preclude equitable relief.

27 (B) Presumption of hardships. If petitioner
28 and respondent each has the right to occupancy of a
29 residence or household, the court shall balance (i)
30 the hardships to respondent and any minor child or
31 dependent adult in respondent's care resulting from
32 entry of this remedy with (ii) the hardships to
33 petitioner and any minor child or dependent adult in
34 petitioner's care resulting from continued exposure

1 to the risk of abuse (should petitioner remain at
2 the residence or household) or from loss of
3 possession of the residence or household (should
4 petitioner leave to avoid the risk of abuse). When
5 determining the balance of hardships, the court
6 shall also take into account the accessibility of
7 the residence or household. Hardships need not be
8 balanced if respondent does not have a right to
9 occupancy.

10 The balance of hardships is presumed to favor
11 possession by petitioner unless the presumption is
12 rebutted by a preponderance of the evidence, showing
13 that the hardships to respondent substantially
14 outweigh the hardships to petitioner and any minor
15 child or dependent adult in petitioner's care. The
16 court, on the request of petitioner or on its own
17 motion, may order respondent to provide suitable,
18 accessible, alternate housing for petitioner instead
19 of excluding respondent from a mutual residence or
20 household.

21 (3) Stay away order and additional prohibitions.
22 Order respondent to stay away from petitioner or any
23 other person protected by the order of protection, or
24 prohibit respondent from entering or remaining present at
25 petitioner's school, place of employment, or other
26 specified places at times when petitioner is present, or
27 both, if reasonable, given the balance of hardships.
28 Hardships need not be balanced for the court to enter a
29 stay away order or prohibit entry if respondent has no
30 right to enter the premises.

31 If an order of protection grants petitioner
32 exclusive possession of the residence, or prohibits
33 respondent from entering the residence, or orders
34 respondent to stay away from petitioner or other

1 protected persons, then the court may allow respondent
2 access to the residence to remove items of clothing and
3 personal adornment used exclusively by respondent,
4 medications, and other items as the court directs. The
5 right to access shall be exercised on only one occasion
6 as the court directs and in the presence of an
7 agreed-upon adult third party or law enforcement officer.

8 (4) Counseling. Require or recommend the
9 respondent to undergo counseling for a specified duration
10 with a social worker, psychologist, clinical
11 psychologist, psychiatrist, family service agency,
12 alcohol or substance abuse program, mental health center
13 guidance counselor, agency providing services to elders,
14 program designed for domestic violence abusers or any
15 other guidance service the court deems appropriate.

16 (5) Physical care and possession of the minor
17 child. In order to protect the minor child from abuse,
18 neglect, or unwarranted separation from the person who
19 has been the minor child's primary caretaker, or to
20 otherwise protect the well-being of the minor child, the
21 court may do either or both of the following: (i) grant
22 petitioner physical care or possession of the minor
23 child, or both, or (ii) order respondent to return a
24 minor child to, or not remove a minor child from, the
25 physical care of a parent or person in loco parentis.

26 If a court finds, after a hearing, that respondent
27 has committed abuse (as defined in Section 112A-3) of a
28 minor child, there shall be a rebuttable presumption that
29 awarding physical care to respondent would not be in the
30 minor child's best interest.

31 (6) Temporary legal custody. Award temporary legal
32 custody to petitioner in accordance with this Section,
33 the Illinois Marriage and Dissolution of Marriage Act,
34 the Illinois Parentage Act of 1984, and this State's

1 Uniform Child-Custody ~~Child--Custody~~ Jurisdiction and
2 Enforcement Act.

3 If a court finds, after a hearing, that respondent
4 has committed abuse (as defined in Section 112A-3) of a
5 minor child, there shall be a rebuttable presumption that
6 awarding temporary legal custody to respondent would not
7 be in the child's best interest.

8 (7) Visitation. Determine the visitation rights,
9 if any, of respondent in any case in which the court
10 awards physical care or temporary legal custody of a
11 minor child to petitioner. The court shall restrict or
12 deny respondent's visitation with a minor child if the
13 court finds that respondent has done or is likely to do
14 any of the following: (i) abuse or endanger the minor
15 child during visitation; (ii) use the visitation as an
16 opportunity to abuse or harass petitioner or petitioner's
17 family or household members; (iii) improperly conceal or
18 detain the minor child; or (iv) otherwise act in a manner
19 that is not in the best interests of the minor child.
20 The court shall not be limited by the standards set forth
21 in Section 607.1 of the Illinois Marriage and Dissolution
22 of Marriage Act. If the court grants visitation, the
23 order shall specify dates and times for the visitation to
24 take place or other specific parameters or conditions
25 that are appropriate. No order for visitation shall
26 refer merely to the term "reasonable visitation".

27 Petitioner may deny respondent access to the minor
28 child if, when respondent arrives for visitation,
29 respondent is under the influence of drugs or alcohol and
30 constitutes a threat to the safety and well-being of
31 petitioner or petitioner's minor children or is behaving
32 in a violent or abusive manner.

33 If necessary to protect any member of petitioner's
34 family or household from future abuse, respondent shall

1 be prohibited from coming to petitioner's residence to
2 meet the minor child for visitation, and the parties
3 shall submit to the court their recommendations for
4 reasonable alternative arrangements for visitation. A
5 person may be approved to supervise visitation only after
6 filing an affidavit accepting that responsibility and
7 acknowledging accountability to the court.

8 (8) Removal or concealment of minor child.
9 Prohibit respondent from removing a minor child from the
10 State or concealing the child within the State.

11 (9) Order to appear. Order the respondent to
12 appear in court, alone or with a minor child, to prevent
13 abuse, neglect, removal or concealment of the child, to
14 return the child to the custody or care of the petitioner
15 or to permit any court-ordered interview or examination
16 of the child or the respondent.

17 (10) Possession of personal property. Grant
18 petitioner exclusive possession of personal property and,
19 if respondent has possession or control, direct
20 respondent to promptly make it available to petitioner,
21 if:

22 (i) petitioner, but not respondent, owns the
23 property; or

24 (ii) the parties own the property jointly;
25 sharing it would risk abuse of petitioner by
26 respondent or is impracticable; and the balance of
27 hardships favors temporary possession by petitioner.

28 If petitioner's sole claim to ownership of the
29 property is that it is marital property, the court may
30 award petitioner temporary possession thereof under the
31 standards of subparagraph (ii) of this paragraph only if
32 a proper proceeding has been filed under the Illinois
33 Marriage and Dissolution of Marriage Act, as now or
34 hereafter amended.

1 No order under this provision shall affect title to
2 property.

3 (11) Protection of property. Forbid the respondent
4 from taking, transferring, encumbering, concealing,
5 damaging or otherwise disposing of any real or personal
6 property, except as explicitly authorized by the court,
7 if:

8 (i) petitioner, but not respondent, owns the
9 property; or

10 (ii) the parties own the property jointly, and
11 the balance of hardships favors granting this
12 remedy.

13 If petitioner's sole claim to ownership of the
14 property is that it is marital property, the court may
15 grant petitioner relief under subparagraph (ii) of this
16 paragraph only if a proper proceeding has been filed
17 under the Illinois Marriage and Dissolution of Marriage
18 Act, as now or hereafter amended.

19 The court may further prohibit respondent from
20 improperly using the financial or other resources of an
21 aged member of the family or household for the profit or
22 advantage of respondent or of any other person.

23 (12) Order for payment of support. Order
24 respondent to pay temporary support for the petitioner or
25 any child in the petitioner's care or custody, when the
26 respondent has a legal obligation to support that person,
27 in accordance with the Illinois Marriage and Dissolution
28 of Marriage Act, which shall govern, among other matters,
29 the amount of support, payment through the clerk and
30 withholding of income to secure payment. An order for
31 child support may be granted to a petitioner with lawful
32 physical care or custody of a child, or an order or
33 agreement for physical care or custody, prior to entry of
34 an order for legal custody. Such a support order shall

1 expire upon entry of a valid order granting legal custody
2 to another, unless otherwise provided in the custody
3 order.

4 (13) Order for payment of losses. Order respondent
5 to pay petitioner for losses suffered as a direct result
6 of the abuse. Such losses shall include, but not be
7 limited to, medical expenses, lost earnings or other
8 support, repair or replacement of property damaged or
9 taken, reasonable attorney's fees, court costs and moving
10 or other travel expenses, including additional reasonable
11 expenses for temporary shelter and restaurant meals.

12 (i) Losses affecting family needs. If a party
13 is entitled to seek maintenance, child support or
14 property distribution from the other party under the
15 Illinois Marriage and Dissolution of Marriage Act,
16 as now or hereafter amended, the court may order
17 respondent to reimburse petitioner's actual losses,
18 to the extent that such reimbursement would be
19 "appropriate temporary relief", as authorized by
20 subsection (a)(3) of Section 501 of that Act.

21 (ii) Recovery of expenses. In the case of an
22 improper concealment or removal of a minor child,
23 the court may order respondent to pay the reasonable
24 expenses incurred or to be incurred in the search
25 for and recovery of the minor child, including but
26 not limited to legal fees, court costs, private
27 investigator fees, and travel costs.

28 (14) Prohibition of entry. Prohibit the respondent
29 from entering or remaining in the residence or household
30 while the respondent is under the influence of alcohol or
31 drugs and constitutes a threat to the safety and
32 well-being of the petitioner or the petitioner's
33 children.

34 (14.5) Prohibition of firearm possession. (a) When

1 a complaint is made under a request for an order of
2 protection, that the respondent has threatened or is
3 likely to use firearms illegally against the petitioner,
4 and the respondent is present in court, or has failed to
5 appear after receiving actual notice, the court shall
6 examine on oath the petitioner, and any witnesses who may
7 be produced. If the court is satisfied that there is any
8 danger of the illegal use of firearms, it shall include
9 in the order of protection the requirement that any
10 firearms in the possession of the respondent, except as
11 provided in subsection (b), be turned over to the local
12 law enforcement agency for safekeeping. If the
13 respondent fails to appear, or refuses or fails to
14 surrender his or her firearms, the court shall issue a
15 warrant for seizure of any firearm in the possession of
16 the respondent. The period of safekeeping shall be for a
17 stated period of time not to exceed 2 years. The firearm
18 or firearms shall be returned to the respondent at the
19 end of the stated period or at expiration of the order of
20 protection, whichever is sooner. (b) If the respondent is
21 a peace officer as defined in Section 2-13 of the
22 Criminal Code of 1961, the court shall order that any
23 firearms used by the respondent in the performance of his
24 or her duties as a peace officer be surrendered to the
25 chief law enforcement executive of the agency in which
26 the respondent is employed, who shall retain the firearms
27 for safekeeping for the stated period not to exceed 2
28 years as set forth in the court order.

29 (15) Prohibition of access to records. If an order
30 of protection prohibits respondent from having contact
31 with the minor child, or if petitioner's address is
32 omitted under subsection (b) of Section 112A-5, or if
33 necessary to prevent abuse or wrongful removal or
34 concealment of a minor child, the order shall deny

1 respondent access to, and prohibit respondent from
2 inspecting, obtaining, or attempting to inspect or
3 obtain, school or any other records of the minor child
4 who is in the care of petitioner.

5 (16) Order for payment of shelter services. Order
6 respondent to reimburse a shelter providing temporary
7 housing and counseling services to the petitioner for the
8 cost of the services, as certified by the shelter and
9 deemed reasonable by the court.

10 (17) Order for injunctive relief. Enter injunctive
11 relief necessary or appropriate to prevent further abuse
12 of a family or household member or to effectuate one of
13 the granted remedies, if supported by the balance of
14 hardships. If the harm to be prevented by the injunction
15 is abuse or any other harm that one of the remedies
16 listed in paragraphs (1) through (16) of this subsection
17 is designed to prevent, no further evidence is necessary
18 to establish that the harm is an irreparable injury.

19 (c) Relevant factors; findings.

20 (1) In determining whether to grant a specific
21 remedy, other than payment of support, the court shall
22 consider relevant factors, including but not limited to
23 the following:

24 (i) the nature, frequency, severity, pattern
25 and consequences of the respondent's past abuse of
26 the petitioner or any family or household member,
27 including the concealment of his or her location in
28 order to evade service of process or notice, and the
29 likelihood of danger of future abuse to petitioner
30 or any member of petitioner's or respondent's family
31 or household; and

32 (ii) the danger that any minor child will be
33 abused or neglected or improperly removed from the
34 jurisdiction, improperly concealed within the State

1 or improperly separated from the child's primary
2 caretaker.

3 (2) In comparing relative hardships resulting to
4 the parties from loss of possession of the family home,
5 the court shall consider relevant factors, including but
6 not limited to the following:

7 (i) availability, accessibility, cost, safety,
8 adequacy, location and other characteristics of
9 alternate housing for each party and any minor child
10 or dependent adult in the party's care;

11 (ii) the effect on the party's employment; and

12 (iii) the effect on the relationship of the
13 party, and any minor child or dependent adult in the
14 party's care, to family, school, church and
15 community.

16 (3) Subject to the exceptions set forth in
17 paragraph (4) of this subsection, the court shall make
18 its findings in an official record or in writing, and
19 shall at a minimum set forth the following:

20 (i) That the court has considered the
21 applicable relevant factors described in paragraphs
22 (1) and (2) of this subsection.

23 (ii) Whether the conduct or actions of
24 respondent, unless prohibited, will likely cause
25 irreparable harm or continued abuse.

26 (iii) Whether it is necessary to grant the
27 requested relief in order to protect petitioner or
28 other alleged abused persons.

29 (4) For purposes of issuing an ex parte emergency
30 order of protection, the court, as an alternative to or
31 as a supplement to making the findings described in
32 paragraphs (c)(3)(i) through (c)(3)(iii) of this
33 subsection, may use the following procedure:

34 When a verified petition for an emergency order of

1 protection in accordance with the requirements of
2 Sections 112A-5 and 112A-17 is presented to the court,
3 the court shall examine petitioner on oath or
4 affirmation. An emergency order of protection shall be
5 issued by the court if it appears from the contents of
6 the petition and the examination of petitioner that the
7 averments are sufficient to indicate abuse by respondent
8 and to support the granting of relief under the issuance
9 of the emergency order of protection.

10 (5) Never married parties. No rights or
11 responsibilities for a minor child born outside of
12 marriage attach to a putative father until a father and
13 child relationship has been established under the
14 Illinois Parentage Act of 1984. Absent such an
15 adjudication, no putative father shall be granted
16 temporary custody of the minor child, visitation with the
17 minor child, or physical care and possession of the minor
18 child, nor shall an order of payment for support of the
19 minor child be entered.

20 (d) Balance of hardships; findings. If the court finds
21 that the balance of hardships does not support the granting
22 of a remedy governed by paragraph (2), (3), (10), (11), or
23 (16) of subsection (b) of this Section, which may require
24 such balancing, the court's findings shall so indicate and
25 shall include a finding as to whether granting the remedy
26 will result in hardship to respondent that would
27 substantially outweigh the hardship to petitioner from denial
28 of the remedy. The findings shall be an official record or
29 in writing.

30 (e) Denial of remedies. Denial of any remedy shall not
31 be based, in whole or in part, on evidence that:

32 (1) Respondent has cause for any use of force,
33 unless that cause satisfies the standards for justifiable
34 use of force provided by Article VII of the Criminal Code

1 of 1961;

2 (2) Respondent was voluntarily intoxicated;

3 (3) Petitioner acted in self-defense or defense of
4 another, provided that, if petitioner utilized force,
5 such force was justifiable under Article VII of the
6 Criminal Code of 1961;

7 (4) Petitioner did not act in self-defense or
8 defense of another;

9 (5) Petitioner left the residence or household to
10 avoid further abuse by respondent;

11 (6) Petitioner did not leave the residence or
12 household to avoid further abuse by respondent;

13 (7) Conduct by any family or household member
14 excused the abuse by respondent, unless that same conduct
15 would have excused such abuse if the parties had not been
16 family or household members.

17 (Source: P.A. 89-367, eff. 1-1-96.)

18 Section 402.5. The Illinois Marriage and Dissolution of
19 Marriage Act is amended by changing Section 601 as follows:

20 (750 ILCS 5/601) (from Ch. 40, par. 601)

21 Sec. 601. Jurisdiction; Commencement of Proceeding.

22 (a) A court of this State competent to decide child
23 custody matters has jurisdiction to make a child custody
24 determination in original or modification proceedings as
25 provided in Section 201 4 of the Uniform Child-Custody ~~Child~~
26 Custody Jurisdiction and Enforcement Act as adopted by this
27 State.

28 (b) A child custody proceeding is commenced in the
29 court:

30 (1) by a parent, by filing a petition:

31 (i) for dissolution of marriage or legal
32 separation or declaration of invalidity of marriage;

1 or

2 (ii) for custody of the child, in the county
3 in which he is permanently resident or found;

4 (2) by a person other than a parent, by filing a
5 petition for custody of the child in the county in which
6 he is permanently resident or found, but only if he is
7 not in the physical custody of one of his parents; or

8 (3) by a stepparent, by filing a petition, if all
9 of the following circumstances are met:

10 (A) the child is at least 12 years old;

11 (B) the custodial parent and stepparent were
12 married for at least 5 years during which the child
13 resided with the parent and stepparent;

14 (C) the custodial parent is deceased or is
15 disabled and cannot perform the duties of a parent
16 to the child;

17 (D) the stepparent provided for the care,
18 control, and welfare to the child prior to the
19 initiation of custody proceedings;

20 (E) the child wishes to live with the
21 stepparent; and

22 (F) it is alleged to be in the best interests
23 and welfare of the child to live with the stepparent
24 as provided in Section 602 of this Act.

25 (c) Notice of a child custody proceeding, including an
26 action for modification of a previous custody order, shall be
27 given to the child's parents, guardian and custodian, who may
28 appear, be heard, and file a responsive pleading. The court,
29 upon showing of good cause, may permit intervention of other
30 interested parties.

31 (d) Proceedings for modification of a previous custody
32 order commenced more than 30 days following the entry of a
33 previous custody order must be initiated by serving a written
34 notice and a copy of the petition for modification upon the

1 child's parent, guardian and custodian at least 30 days prior
2 to hearing on the petition. Nothing in this Section shall
3 preclude a party in custody modification proceedings from
4 moving for a temporary order under Section 603 of this Act.

5 (e) (Blank). In--a--custody--proceeding--involving--an
6 out-of-state-party, the court, prior to granting or modifying
7 a--custody--judgment, shall--consult--the--registry--of
8 out-of-state-judgments to determine whether there exists--any
9 communications--or--documents--alleging--that--the--child--who--is
10 the--subject--of--custody--proceedings--may--have--been--improperly
11 removed--from--the--physical--custody--of--the--person--entitled--to
12 custody--or--may--have--been--improperly--retained--after--a--visit--or
13 other--temporary--relinquishment--of--physical--custody.---Where,
14 on--the--basis--of--such--documents--or--communications--contained--in
15 the--registry--of--out--of--state--judgments, the court determines
16 that--the--child--who--is--the--subject--of--custody--may--have--been
17 improperly--removed--or--retained, the court shall notify the
18 person--or--agency--who--submitted--such--communications--as--to--the
19 location--of--the--child, as soon as is practicable.

20 (Source: P.A. 90-782, eff. 8-14-98.)

21 Section 402.6. The Illinois Domestic Violence Act of
22 1986 is amended by changing Sections 208 and 214 as follows:

23 (750 ILCS 60/208) (from Ch. 40, par. 2312-8)

24 Sec. 208. Jurisdiction over persons. In child custody
25 proceedings, the court's personal jurisdiction is determined
26 by this State's Uniform Child-Custody Child--Custody
27 Jurisdiction and Enforcement Act,--as--now--or--hereafter
28 amended. Otherwise, the courts of this State have
29 jurisdiction to bind (i) State residents and (ii)
30 non-residents having minimum contacts with this State, to the
31 extent permitted by the long-arm statute, Section 2-209 of
32 the Code of Civil Procedure, as now or hereafter amended.

1 (Source: P.A. 84-1305.)

2 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

3 Sec. 214. Order of protection; remedies.

4 (a) Issuance of order. If the court finds that
5 petitioner has been abused by a family or household member or
6 that petitioner is a high-risk adult who has been abused,
7 neglected, or exploited, as defined in this Act, an order of
8 protection prohibiting the abuse, neglect, or exploitation
9 shall issue; provided that petitioner must also satisfy the
10 requirements of one of the following Sections, as
11 appropriate: Section 217 on emergency orders, Section 218 on
12 interim orders, or Section 219 on plenary orders. Petitioner
13 shall not be denied an order of protection because petitioner
14 or respondent is a minor. The court, when determining whether
15 or not to issue an order of protection, shall not require
16 physical manifestations of abuse on the person of the victim.
17 Modification and extension of prior orders of protection
18 shall be in accordance with this Act.

19 (b) Remedies and standards. The remedies to be included
20 in an order of protection shall be determined in accordance
21 with this Section and one of the following Sections, as
22 appropriate: Section 217 on emergency orders, Section 218 on
23 interim orders, and Section 219 on plenary orders. The
24 remedies listed in this subsection shall be in addition to
25 other civil or criminal remedies available to petitioner.

26 (1) Prohibition of abuse, neglect, or exploitation.
27 Prohibit respondent's harassment, interference with
28 personal liberty, intimidation of a dependent, physical
29 abuse, or willful deprivation, neglect or exploitation,
30 as defined in this Act, or stalking of the petitioner, as
31 defined in Section 12-7.3 of the Criminal Code of 1961,
32 if such abuse, neglect, exploitation, or stalking has
33 occurred or otherwise appears likely to occur if not

1 prohibited.

2 (2) Grant of exclusive possession of residence.
3 Prohibit respondent from entering or remaining in any
4 residence or household of the petitioner, including one
5 owned or leased by respondent, if petitioner has a right
6 to occupancy thereof. The grant of exclusive possession
7 of the residence shall not affect title to real property,
8 nor shall the court be limited by the standard set forth
9 in Section 701 of the Illinois Marriage and Dissolution
10 of Marriage Act.

11 (A) Right to occupancy. A party has a right
12 to occupancy of a residence or household if it is
13 solely or jointly owned or leased by that party,
14 that party's spouse, a person with a legal duty to
15 support that party or a minor child in that party's
16 care, or by any person or entity other than the
17 opposing party that authorizes that party's
18 occupancy (e.g., a domestic violence shelter).
19 Standards set forth in subparagraph (B) shall not
20 preclude equitable relief.

21 (B) Presumption of hardships. If petitioner
22 and respondent each has the right to occupancy of a
23 residence or household, the court shall balance (i)
24 the hardships to respondent and any minor child or
25 dependent adult in respondent's care resulting from
26 entry of this remedy with (ii) the hardships to
27 petitioner and any minor child or dependent adult in
28 petitioner's care resulting from continued exposure
29 to the risk of abuse (should petitioner remain at
30 the residence or household) or from loss of
31 possession of the residence or household (should
32 petitioner leave to avoid the risk of abuse). When
33 determining the balance of hardships, the court
34 shall also take into account the accessibility of

1 the residence or household. Hardships need not be
2 balanced if respondent does not have a right to
3 occupancy.

4 The balance of hardships is presumed to favor
5 possession by petitioner unless the presumption is
6 rebutted by a preponderance of the evidence, showing
7 that the hardships to respondent substantially
8 outweigh the hardships to petitioner and any minor
9 child or dependent adult in petitioner's care. The
10 court, on the request of petitioner or on its own
11 motion, may order respondent to provide suitable,
12 accessible, alternate housing for petitioner instead
13 of excluding respondent from a mutual residence or
14 household.

15 (3) Stay away order and additional prohibitions.
16 Order respondent to stay away from petitioner or any
17 other person protected by the order of protection, or
18 prohibit respondent from entering or remaining present at
19 petitioner's school, place of employment, or other
20 specified places at times when petitioner is present, or
21 both, if reasonable, given the balance of hardships.
22 Hardships need not be balanced for the court to enter a
23 stay away order or prohibit entry if respondent has no
24 right to enter the premises.

25 If an order of protection grants petitioner
26 exclusive possession of the residence, or prohibits
27 respondent from entering the residence, or orders
28 respondent to stay away from petitioner or other
29 protected persons, then the court may allow respondent
30 access to the residence to remove items of clothing and
31 personal adornment used exclusively by respondent,
32 medications, and other items as the court directs. The
33 right to access shall be exercised on only one occasion
34 as the court directs and in the presence of an

1 agreed-upon adult third party or law enforcement officer.

2 (4) Counseling. Require or recommend the
3 respondent to undergo counseling for a specified duration
4 with a social worker, psychologist, clinical
5 psychologist, psychiatrist, family service agency,
6 alcohol or substance abuse program, mental health center
7 guidance counselor, agency providing services to elders,
8 program designed for domestic violence abusers or any
9 other guidance service the court deems appropriate.

10 (5) Physical care and possession of the minor
11 child. In order to protect the minor child from abuse,
12 neglect, or unwarranted separation from the person who
13 has been the minor child's primary caretaker, or to
14 otherwise protect the well-being of the minor child, the
15 court may do either or both of the following: (i) grant
16 petitioner physical care or possession of the minor
17 child, or both, or (ii) order respondent to return a
18 minor child to, or not remove a minor child from, the
19 physical care of a parent or person in loco parentis.

20 If a court finds, after a hearing, that respondent
21 has committed abuse (as defined in Section 103) of a
22 minor child, there shall be a rebuttable presumption that
23 awarding physical care to respondent would not be in the
24 minor child's best interest.

25 (6) Temporary legal custody. Award temporary legal
26 custody to petitioner in accordance with this Section,
27 the Illinois Marriage and Dissolution of Marriage Act,
28 the Illinois Parentage Act of 1984, and this State's
29 Uniform Child-Custody ~~Child--Custody~~ Jurisdiction and
30 Enforcement Act.

31 If a court finds, after a hearing, that respondent
32 has committed abuse (as defined in Section 103) of a
33 minor child, there shall be a rebuttable presumption that
34 awarding temporary legal custody to respondent would not

1 be in the child's best interest.

2 (7) Visitation. Determine the visitation rights,
3 if any, of respondent in any case in which the court
4 awards physical care or temporary legal custody of a
5 minor child to petitioner. The court shall restrict or
6 deny respondent's visitation with a minor child if the
7 court finds that respondent has done or is likely to do
8 any of the following: (i) abuse or endanger the minor
9 child during visitation; (ii) use the visitation as an
10 opportunity to abuse or harass petitioner or petitioner's
11 family or household members; (iii) improperly conceal or
12 detain the minor child; or (iv) otherwise act in a manner
13 that is not in the best interests of the minor child.
14 The court shall not be limited by the standards set forth
15 in Section 607.1 of the Illinois Marriage and Dissolution
16 of Marriage Act. If the court grants visitation, the
17 order shall specify dates and times for the visitation to
18 take place or other specific parameters or conditions
19 that are appropriate. No order for visitation shall
20 refer merely to the term "reasonable visitation".

21 Petitioner may deny respondent access to the minor
22 child if, when respondent arrives for visitation,
23 respondent is under the influence of drugs or alcohol and
24 constitutes a threat to the safety and well-being of
25 petitioner or petitioner's minor children or is behaving
26 in a violent or abusive manner.

27 If necessary to protect any member of petitioner's
28 family or household from future abuse, respondent shall
29 be prohibited from coming to petitioner's residence to
30 meet the minor child for visitation, and the parties
31 shall submit to the court their recommendations for
32 reasonable alternative arrangements for visitation. A
33 person may be approved to supervise visitation only after
34 filing an affidavit accepting that responsibility and

1 acknowledging accountability to the court.

2 (8) Removal or concealment of minor child. Prohibit
3 respondent from removing a minor child from the State or
4 concealing the child within the State.

5 (9) Order to appear. Order the respondent to
6 appear in court, alone or with a minor child, to prevent
7 abuse, neglect, removal or concealment of the child, to
8 return the child to the custody or care of the petitioner
9 or to permit any court-ordered interview or examination
10 of the child or the respondent.

11 (10) Possession of personal property. Grant
12 petitioner exclusive possession of personal property and,
13 if respondent has possession or control, direct
14 respondent to promptly make it available to petitioner,
15 if:

16 (i) petitioner, but not respondent, owns the
17 property; or

18 (ii) the parties own the property jointly;
19 sharing it would risk abuse of petitioner by
20 respondent or is impracticable; and the balance of
21 hardships favors temporary possession by petitioner.

22 If petitioner's sole claim to ownership of the
23 property is that it is marital property, the court may
24 award petitioner temporary possession thereof under the
25 standards of subparagraph (ii) of this paragraph only if
26 a proper proceeding has been filed under the Illinois
27 Marriage and Dissolution of Marriage Act, as now or
28 hereafter amended.

29 No order under this provision shall affect title to
30 property.

31 (11) Protection of property. Forbid the respondent
32 from taking, transferring, encumbering, concealing,
33 damaging or otherwise disposing of any real or personal
34 property, except as explicitly authorized by the court,

1 if:

2 (i) petitioner, but not respondent, owns the
3 property; or

4 (ii) the parties own the property jointly, and
5 the balance of hardships favors granting this
6 remedy.

7 If petitioner's sole claim to ownership of the
8 property is that it is marital property, the court may
9 grant petitioner relief under subparagraph (ii) of this
10 paragraph only if a proper proceeding has been filed
11 under the Illinois Marriage and Dissolution of Marriage
12 Act, as now or hereafter amended.

13 The court may further prohibit respondent from
14 improperly using the financial or other resources of an
15 aged member of the family or household for the profit or
16 advantage of respondent or of any other person.

17 (12) Order for payment of support. Order
18 respondent to pay temporary support for the petitioner or
19 any child in the petitioner's care or custody, when the
20 respondent has a legal obligation to support that person,
21 in accordance with the Illinois Marriage and Dissolution
22 of Marriage Act, which shall govern, among other matters,
23 the amount of support, payment through the clerk and
24 withholding of income to secure payment. An order for
25 child support may be granted to a petitioner with lawful
26 physical care or custody of a child, or an order or
27 agreement for physical care or custody, prior to entry of
28 an order for legal custody. Such a support order shall
29 expire upon entry of a valid order granting legal custody
30 to another, unless otherwise provided in the custody
31 order.

32 (13) Order for payment of losses. Order respondent
33 to pay petitioner for losses suffered as a direct result
34 of the abuse, neglect, or exploitation. Such losses

1 shall include, but not be limited to, medical expenses,
2 lost earnings or other support, repair or replacement of
3 property damaged or taken, reasonable attorney's fees,
4 court costs and moving or other travel expenses,
5 including additional reasonable expenses for temporary
6 shelter and restaurant meals.

7 (i) Losses affecting family needs. If a party
8 is entitled to seek maintenance, child support or
9 property distribution from the other party under the
10 Illinois Marriage and Dissolution of Marriage Act,
11 as now or hereafter amended, the court may order
12 respondent to reimburse petitioner's actual losses,
13 to the extent that such reimbursement would be
14 "appropriate temporary relief", as authorized by
15 subsection (a)(3) of Section 501 of that Act.

16 (ii) Recovery of expenses. In the case of an
17 improper concealment or removal of a minor child,
18 the court may order respondent to pay the reasonable
19 expenses incurred or to be incurred in the search
20 for and recovery of the minor child, including but
21 not limited to legal fees, court costs, private
22 investigator fees, and travel costs.

23 (14) Prohibition of entry. Prohibit the respondent
24 from entering or remaining in the residence or household
25 while the respondent is under the influence of alcohol or
26 drugs and constitutes a threat to the safety and
27 well-being of the petitioner or the petitioner's
28 children.

29 (14.5) Prohibition of firearm possession.

30 (a) When a complaint is made under a request
31 for an order of protection, that the respondent has
32 threatened or is likely to use firearms illegally
33 against the petitioner, and the respondent is
34 present in court, or has failed to appear after

1 receiving actual notice, the court shall examine on
2 oath the petitioner, and any witnesses who may be
3 produced. If the court is satisfied that there is
4 any danger of the illegal use of firearms, it shall
5 issue an order that any firearms in the possession
6 of the respondent, except as provided in subsection
7 (b), be turned over to the local law enforcement
8 agency for safekeeping. If the respondent has
9 failed to appear, the court shall issue a warrant
10 for seizure of any firearm in the possession of the
11 respondent. The period of safekeeping shall be for a
12 stated period of time not to exceed 2 years. The
13 firearm or firearms shall be returned to the
14 respondent at the end of the stated period or at
15 expiration of the order of protection, whichever is
16 sooner.

17 (b) If the respondent is a peace officer as
18 defined in Section 2-13 of the Criminal Code of
19 1961, the court shall order that any firearms used
20 by the respondent in the performance of his or her
21 duties as a peace officer be surrendered to the
22 chief law enforcement executive of the agency in
23 which the respondent is employed, who shall retain
24 the firearms for safekeeping for the stated period
25 not to exceed 2 years as set forth in the court
26 order.

27 (15) Prohibition of access to records. If an order
28 of protection prohibits respondent from having contact
29 with the minor child, or if petitioner's address is
30 omitted under subsection (b) of Section 203, or if
31 necessary to prevent abuse or wrongful removal or
32 concealment of a minor child, the order shall deny
33 respondent access to, and prohibit respondent from
34 inspecting, obtaining, or attempting to inspect or

1 obtain, school or any other records of the minor child
2 who is in the care of petitioner.

3 (16) Order for payment of shelter services. Order
4 respondent to reimburse a shelter providing temporary
5 housing and counseling services to the petitioner for the
6 cost of the services, as certified by the shelter and
7 deemed reasonable by the court.

8 (17) Order for injunctive relief. Enter injunctive
9 relief necessary or appropriate to prevent further abuse
10 of a family or household member or further abuse,
11 neglect, or exploitation of a high-risk adult with
12 disabilities or to effectuate one of the granted
13 remedies, if supported by the balance of hardships. If
14 the harm to be prevented by the injunction is abuse or
15 any other harm that one of the remedies listed in
16 paragraphs (1) through (16) of this subsection is
17 designed to prevent, no further evidence is necessary
18 that the harm is an irreparable injury.

19 (c) Relevant factors; findings.

20 (1) In determining whether to grant a specific
21 remedy, other than payment of support, the court shall
22 consider relevant factors, including but not limited to
23 the following:

24 (i) the nature, frequency, severity, pattern
25 and consequences of the respondent's past abuse,
26 neglect or exploitation of the petitioner or any
27 family or household member, including the
28 concealment of his or her location in order to evade
29 service of process or notice, and the likelihood of
30 danger of future abuse, neglect, or exploitation to
31 petitioner or any member of petitioner's or
32 respondent's family or household; and

33 (ii) the danger that any minor child will be
34 abused or neglected or improperly removed from the

1 jurisdiction, improperly concealed within the State
2 or improperly separated from the child's primary
3 caretaker.

4 (2) In comparing relative hardships resulting to
5 the parties from loss of possession of the family home,
6 the court shall consider relevant factors, including but
7 not limited to the following:

8 (i) availability, accessibility, cost, safety,
9 adequacy, location and other characteristics of
10 alternate housing for each party and any minor child
11 or dependent adult in the party's care;

12 (ii) the effect on the party's employment; and

13 (iii) the effect on the relationship of the
14 party, and any minor child or dependent adult in the
15 party's care, to family, school, church and
16 community.

17 (3) Subject to the exceptions set forth in
18 paragraph (4) of this subsection, the court shall make
19 its findings in an official record or in writing, and
20 shall at a minimum set forth the following:

21 (i) That the court has considered the
22 applicable relevant factors described in paragraphs
23 (1) and (2) of this subsection.

24 (ii) Whether the conduct or actions of
25 respondent, unless prohibited, will likely cause
26 irreparable harm or continued abuse.

27 (iii) Whether it is necessary to grant the
28 requested relief in order to protect petitioner or
29 other alleged abused persons.

30 (4) For purposes of issuing an ex parte emergency
31 order of protection, the court, as an alternative to or
32 as a supplement to making the findings described in
33 paragraphs (c)(3)(i) through (c)(3)(iii) of this
34 subsection, may use the following procedure:

1 When a verified petition for an emergency order of
2 protection in accordance with the requirements of
3 Sections 203 and 217 is presented to the court, the court
4 shall examine petitioner on oath or affirmation. An
5 emergency order of protection shall be issued by the
6 court if it appears from the contents of the petition and
7 the examination of petitioner that the averments are
8 sufficient to indicate abuse by respondent and to support
9 the granting of relief under the issuance of the
10 emergency order of protection.

11 (5) Never married parties. No rights or
12 responsibilities for a minor child born outside of
13 marriage attach to a putative father until a father and
14 child relationship has been established under the
15 Illinois Parentage Act of 1984, the Illinois Public Aid
16 Code, Section 12 of the Vital Records Act, the Juvenile
17 Court Act of 1987, the Probate Act of 1985, the Revised
18 Uniform Reciprocal Enforcement of Support Act, the
19 Uniform Interstate Family Support Act, the Expedited
20 Child Support Act of 1990, any judicial, administrative,
21 or other act of another state or territory, any other
22 Illinois statute, or by any foreign nation establishing
23 the father and child relationship, any other proceeding
24 substantially in conformity with the Personal
25 Responsibility and Work Opportunity Reconciliation Act of
26 1996 (Pub. L. 104-193), or where both parties appeared in
27 open court or at an administrative hearing acknowledging
28 under oath or admitting by affirmation the existence of
29 a father and child relationship. Absent such an
30 adjudication, finding, or acknowledgement, no putative
31 father shall be granted temporary custody of the minor
32 child, visitation with the minor child, or physical care
33 and possession of the minor child, nor shall an order of
34 payment for support of the minor child be entered.

1 (d) Balance of hardships; findings. If the court finds
2 that the balance of hardships does not support the granting
3 of a remedy governed by paragraph (2), (3), (10), (11), or
4 (16) of subsection (b) of this Section, which may require
5 such balancing, the court's findings shall so indicate and
6 shall include a finding as to whether granting the remedy
7 will result in hardship to respondent that would
8 substantially outweigh the hardship to petitioner from denial
9 of the remedy. The findings shall be an official record or in
10 writing.

11 (e) Denial of remedies. Denial of any remedy shall not
12 be based, in whole or in part, on evidence that:

13 (1) Respondent has cause for any use of force,
14 unless that cause satisfies the standards for justifiable
15 use of force provided by Article VII of the Criminal Code
16 of 1961;

17 (2) Respondent was voluntarily intoxicated;

18 (3) Petitioner acted in self-defense or defense of
19 another, provided that, if petitioner utilized force,
20 such force was justifiable under Article VII of the
21 Criminal Code of 1961;

22 (4) Petitioner did not act in self-defense or
23 defense of another;

24 (5) Petitioner left the residence or household to
25 avoid further abuse, neglect, or exploitation by
26 respondent;

27 (6) Petitioner did not leave the residence or
28 household to avoid further abuse, neglect, or
29 exploitation by respondent;

30 (7) Conduct by any family or household member
31 excused the abuse, neglect, or exploitation by
32 respondent, unless that same conduct would have excused
33 such abuse, neglect, or exploitation if the parties had
34 not been family or household members.

1 (Source: P.A. 89-367, eff. 1-1-96; 90-118, eff. 1-1-98.)

2 Section 403. Effective Date. This Act takes effect on
3 January 1, 2004.

4 (750 ILCS 35/Act rep.)

5 Section 404. Repeals. The following Acts and parts of
6 Acts are hereby repealed:

7 Uniform Child Custody Jurisdiction Act.

8 Section 405. Transitional Provision. A motion or other
9 request for relief made in a child-custody proceeding or to
10 enforce a child-custody determination which was commenced
11 before the effective date of this Act is governed by the law
12 in effect at the time the motion or other request was made.