



Rep. Chapin Rose

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09400HB0360ham004

LRB094 02474 LCB 44098 a

1 AMENDMENT TO HOUSE BILL 360

2 AMENDMENT NO. _____. Amend House Bill 360, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Marriage and Dissolution of
6 Marriage Act is amended by changing Section 608 and by adding
7 Section 604.3 as follows:

8 (750 ILCS 5/604.3 new)

9 Sec. 604.3. Counseling. The court shall determine whether
10 counseling is appropriate for a child who is involved in a
11 custody proceeding. If the court determines that counseling is
12 appropriate, the court may order counseling and may apportion
13 the costs between the parties.

14 All counseling sessions shall be confidential. The
15 communications in counseling shall not be used in any manner in
16 litigation nor relied upon by any expert appointed by the court
17 or retained by any party.

18 (750 ILCS 5/608) (from Ch. 40, par. 608)

19 Sec. 608. Judicial Supervision.

20 (a) Except as otherwise agreed by the parties in writing at
21 the time of the custody judgment or as otherwise ordered by the
22 court, the custodian may determine the child's upbringing,
23 including but not limited to, his education, health care and

1 religious training, unless the court, after hearing, finds,
2 upon motion by the noncustodial parent, that the absence of a
3 specific limitation of the custodian's authority would clearly
4 be contrary to the best interests of the child.

5 (b) If both parents or all contestants agree to the order,
6 or if the court finds that in the absence of agreement the
7 child's physical health would be endangered or his emotional
8 development significantly impaired, the court may order the
9 Department of Children and Family Services to exercise
10 continuing supervision over the case to assure that the
11 custodial or visitation terms of the judgment are carried out.
12 Supervision shall be carried out under the provisions of
13 Section 5 of the Children and Family Services Act.

14 (c) The court may order individual counseling for the
15 child, family counseling for one or more of the parties and the
16 child, or parental education for one or more of the parties,
17 when it finds one or more of the following:

18 (1) both parents or all parties agree to the order;

19 (2) the court finds that the child's physical health is
20 endangered or his or her emotional development is impaired
21 including, but not limited to, a finding of visitation
22 abuse as defined by Section 607.1; or

23 (3) the court finds that one or both of the parties
24 have violated the joint parenting agreement with regard to
25 conduct affecting or in the presence of the child.

26 (d) If the court finds that one or more of the parties has
27 violated an order of the court with regards to custody,
28 visitation, or joint parenting, the court shall assess the
29 costs of counseling against the violating party or parties.
30 Otherwise, the court may apportion the costs between the
31 parties as appropriate.

32 (e) The remedies provided in this Section are in addition
33 to, and shall not diminish or abridge in any way, the court's
34 power to exercise its authority through contempt or other

1 proceedings.

2 (Source: P.A. 87-824.)".